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# ACTS

OF THE

## STATE OF TENNESSEE,

PASSED AT THE

### FIRST SESSION

OF THE

## THIRTIETH GENERAL ASSEMBLY,

FOR THE YEARS

1853-4.

John  
V.

PUBLISHED BY AUTHORITY.

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# ACTS

OF THE

## GENERAL ASSEMBLY

OF THE

### STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE THIRTIETH GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE ON MONDAY, THE THIRD DAY OF OCTOBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY-THREE.

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#### CHAPTER I.

AN ACT to incorporate the Mississippi Central and Tennessee Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Milton Brown, John W. Campbell, Thomas Read, Jacob Hill, Wm. E. Butler, A. W. O. Totten, S. P. Hays, Edwin Polk, Citizen S. Woods, Isaac R. Hawkins, G. C. Hurt, Jno. Norman, Wm. W. Herron, David Green, sr., H. W. McCorry, Jno. H. Bills, E. P. McNeal, Jas. Wood, L. A. Puckett, David McKinnie, and James B. Harris, and their associates and their successors, under the name and style of "The Mississippi Central and Tennessee Railroad Company," are hereby declared to be a body, corporate and politic,*

under the laws of Tennessee, with succession for five hundred years, and a common seal, with capacity to have, receive, and enjoy, to them and their successors, property and estate of whatever nature and quality, and the same to alien, transfer and dispose of, so far as may be necessary to carry into effect the main object of this charter, which is hereby declared to be the construction, use and maintenance of a Railroad from the South line of the State of Tennessee, at the point where the Mississippi Central Railroad may touch or cross the State line, and passing at or near Bolivar to Jackson, and with power to extend the road or branches of said road in the direction of, or to Nashville, and also to any point or points in the direction of, or to the Kentucky State line.

General powers.

SEC. 2. *Be it enacted*, That said company is hereby declared capable of making all contracts, to sue and be sued, to make by-laws, to appoint officers, servants and agents, and finally, to do all things which may be necessary to carry on the business and object for which said corporation is created. The said company is invested with all the powers necessary for the construction, repairs and maintenance of said Railroad, with as many tracks, depots, turn outs, side tracks, landings, warehouses, workshops, and appurtenances, as they may find necessary, and is authorised to make all works whatever, which may be necessary or expedient for the proper completion, use and utility of said road, and to use the same for profit, and make dividends among the stockholders, to procure by purchase, gift or release, or otherwise, such lands and other property as may be necessary for the site of said Railroad, or its construction and convenient use, or for the erection and use of depots, warehouses, landings, bridges, or other works connected therewith, and to as many lateral roads with appurtenances connected with said main stem or branches as they may deem proper, not extending more than fifty miles from the main stem or branches of said road.

Capital stock.

SEC. 3. *Be it enacted*, That the capital stock of said company may be two million dollars, or such other sum as may be necessary to complete the works authorised by this charter, and that said company shall be authorised to open books for the subscription of shares of fifty dollars each in the capital stock of said company, at such times and places, and for such lengths of time as may be deemed proper, and that upon two hundred thousand dollars having been subscribed as aforesaid,

the Mississippi Central and Tennessee Railroad Company shall be regarded as formed, and the subscribers to the stock shall form a body politic and corporate in deed and in law, by the name and for the purposes aforesaid.

SEC. 4. *Be it enacted*, That so soon as the company is formed as aforesaid, the affairs of said company shall be managed by a Board of Directors, to consist of twelve, who shall be chosen by the Stockholders from their own body, and a President of the company shall be elected by the Directors from among their own number, and such other officers for said company may be elected by said Directors as may be deemed necessary and proper. All which elections may be held in such manner and under such regulations as the company may prescribe. The Board of Directors may fill up all vacancies which may occur in it, and in the absence of any officer, may fill his place by pro tem appointments.

Directors.

SEC. 5. *Be it enacted*, That at any time after the Mississippi Central and Tennessee Railroad Company shall be organised, as aforesaid, that the Board of Directors of said company may unite said company with the Mississippi Central Railroad Company, chartered by the General Assembly of the State of Mississippi, and by the agreement of the Board of Directors of each of said companies, they may become united into one Board and body corporate, upon such terms and conditions as may be agreed upon, under the name and style of the Mississippi Central Railroad Company, or the Mississippi Central and Tennessee Railroad Company, as the companies, when united, may determine upon, with all the corporate powers, rights, privileges and immunities, and subject to the same rules, conditions and liabilities as are by this act conferred and imposed on the Mississippi Central and Tennessee Railroad Company. That upon such union of said companies the stockholders of both roads shall be stockholders in common in said road, according to the respective amounts of their stock; and at the first regular election for directors after such union, the stockholders shall elect one Board of Directors for said company under such rules and regulations and in such manner as the company may prescribe.

May connect with the Mississippi Central R. R.

SEC. 6. *Be it enacted*, That said company hereby created, either before or after its junction with the Mississippi Central Railroad Company as aforesaid, may unite with any company, and form a junction with any other road at any point on the main stem or branches of said

May connect with other roads.

road extending towards Nashville or the Kentucky line, as aforesaid, upon the same terms, rules, conditions and liabilities provided in Sec. 5 of this charter, in reference to the union of this company with the Mississippi Central Railroad Company.

**SEC. 7.** *Be it enacted,* That the right of way is hereby granted to said company to pass in and through the State of Tennessee with said road, branches and laterals as aforesaid; and to use all lands, rocks, timber, earth, sand, gravel, water, or other materials, which may be found on the routes selected, and which may belong to the State of Tennessee, and be necessary for the use of said road, and also to appropriate and use all such lands and materials, being private property, as may be necessary for said road and its appurtenances, making just compensation for all private property used, by contract with the parties, or by arbitration with them; and when the parties cannot agree upon the compensation to be made by the company for the use of the road, depots, &c., then the value shall be ascertained by legal proceedings as hereinafter prescribed.

**SEC. 8.** *Be it enacted,* That where any lands or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at valuation to be made by five commissioners or a majority of them to be appointed by the Circuit Court of the county where some part of the land or right of way is situated—the opposite party to have five days' notice before the appointment of said commissioners; and the said commissioners, before they act, shall severally take an oath before some Justice of the Peace, faithfully and impartially to discharge the duties assigned them. In making said valuation, the commissioners shall allow the actual value of the land taken by said company, without any general or special effect that the actual or contemplated construction of the road or its location may have had on said land taken, or on the surrounding lands. And in all other matters the commissioners shall take into consideration the losses or damages which may accrue to the owner or owners, in consequence of the land being taken or the right of way surrendered, and also the benefit and advantage he, she, or they may receive from the erection or establishment of the Railroad, or works, in any manner whatever, and shall state par-

ticularly the nature and amount of each; and the excess of loss and damage over and above the benefit and advantage shall form the *measure of valuation* of said right of way outside of the actual value of said land aforesaid. The proceedings of said commissioners, accompanied with a full description of said land or right of way, shall be returned under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain of record. In case either party to the proceedings shall appeal from the valuation to the next session of the court granting the commission, giving reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted; and the lands or right of way so valued by the commissioners or a jury, shall vest in said company in fee simple so soon as the valuation is paid, or tendered and refused. Where there may be an appeal, as aforesaid, from the valuation of the commissioners by either of the parties, the same shall not prevent the works intended to be constructed, from proceeding; but when the appeal is by the company, demanding the surrender, they shall be at liberty to proceed in their works only on condition of giving the opposite party a bond with good security, to be approved by the clerk of the court when the valuation is returned, in a penalty equal to double said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained, and in case it be refused, for the payment of the valuation to be thereafter made by the jury and confirmed by the court. Provided, that, when the land cannot be had by gift or purchase, the construction of the work shall not be hindered or delayed during the pendency of any proceeding to assess its value as aforesaid, nor shall any injunction or supersedeas be awarded by any Judge or court to delay the progress of said work.

SEC. 9. *Be it enacted*, That in the absence of any contract with said company in relation to the lands through which such roads may pass, signed by the owner thereof, or by his agent, or any claimant or person in possession, which may be confirmed by the owner, it shall be presumed that the land on which said road may be constructed, together with a space of one hundred feet, or so much thereof as may be necessary for

To sue in  
three years or  
be barred.

the construction and maintenance of said road, and no more, on each side of the centre of said road, has been granted to the company by the owner thereof, and said company shall have a good right and title thereto, and shall have and enjoy the same, as long as the same be used only for the purposes of the road, and no longer; unless the person or persons owning said land at the time that part of the road which may run on said land was finished, or those claiming under him, her, or them, shall apply for an assessment of the value of said lands within three years, next, and after that part of said road was finished, and in case said owner or owners, or those claiming under him, her, or them, do not apply within three years next after said part was finished, he she, or they, shall be forever barred from receiving of said land or having any assessment or compensation therefor. *Provided*, nothing in this section contained, shall affect the right of *femes-coverts* or infants, until two years after the removal of their respective disabilities.

Penalty for trespassing. SEC. 10. *Be it enacted*, That if any person shall wilfully or maliciously destroy, or in any manner hurt, damage or obstruct the said Railroad, or any bridge or any vehicle used for, or in the transportation thereon, such person or persons, so offending, shall be liable to be indicted therefor, and, on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not less than twenty dollars, and shall further be liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this section to defend himself by pleading that he was the owner, or agent, or servant of the owner of the land, where such destruction, hurt, damage, injury or obstruction was done or caused at the time the same was caused or done.

Obstructions. SEC. 11. *Be it enacted*, That every obstruction to the safe and free passage of vehicles on said road, shall be deemed a public nuisance, and may be abated as such by any officer, agent, or servant of the company, and the person causing such obstruction may be indicted and punished for creating a public nuisance.

Banking prohibited. SEC. 12. *Be it enacted*, That said company is hereby expressly prohibited from carrying on any banking operations; but may effect insurance on lives and property transported on said road.

Exemptions. SEC. 13. *Be it enacted*, That the officers, agents, and servants, shall be exempt from serving on juries and from working on public roads, and that the capital stock of said company, and the road with its fixtures and appur-



tenances, including workshops, warehouses and vehicles of transportation, shall be forever exempt from taxation.

**SEC. 14.** *Be it further enacted,* That the stock heretofore subscribed for the extension of the Mississippi Central Railroad through Hardeman county, by the way of Bolivar to Jackson, Tennessee, shall be good and valid under this charter according to the terms of said subscriptions.

Stock in M.  
C. R. R. made  
valid.

**SEC. 15.** *Be it further enacted,* That a body corporate and politic is hereby incorporated and constituted by the name and style of the Central Southern Railroad Company, for the purpose of constructing a Railroad from a point of intersection with the Tennessee and Alabama Railroad, at Columbia, in Maury county, by way of Pulaski, in Giles county, to the Alabama line, in the direction of Athens and Decatur, Alabama, to connect with any Railroad that may be constructed from Decatur, Alabama, to the said State line, in the direction of Pulaski; and the said company shall have all the powers and privileges, and be subject to all the restrictions and liabilities prescribed in the charter of the Nashville and Chattanooga Railroad, and in the various amendments thereunto, except as hereinafter prescribed. *Provided,* nothing contained in this section shall be so construed as to require the aid of the State to said road.

Central South-  
ern R. R. Co.

**SEC. 16.** *Be it enacted,* That the capital stock of said company shall be one million of dollars, to be divided into shares of fifty dollars each, and the company shall have power to increase the capital stock to any amount sufficient to insure the completion of said road; and whenever one thousand shares of the capital stock shall have been subscribed for, said company may organize by the election of a board of directors, who shall elect a President from their number. When a vote is to be taken, each stockholder shall be entitled to one vote for each share of stock held by him.

Capital Stock.

**SEC. 17.** *Be it enacted,* That Roger B. Mayes, S. D. Frierson, James H. Thomas, W. C. Whitthorn, R. A. L. Wilkes, George Gantt, Thomas Martin, Giles A. Reynolds, Thomas E. Abernathy, Dr. B. Carter, Tyree Rodes, Thomas R. Gordon, David Maxwell, be, and they are hereby constituted a board of commissioners, a majority of whom may act, to manage all the affairs of said company, until it shall be organized by the election of a board of directors, as aforesaid, to procure the subscription of stock, by the appointment of an agent or agents for that purpose, or in such manner

Commissioners

as they may deem best; to provide for experimental surveys of routes for said Railroad, and for the payment for making said surveys, and for procuring said subscriptions, out of such call on stock subscribed for, as they may deem advisable, and out of the funds hereafter provided for; but they shall not be compelled to require any part of the stock subscribed for, to be paid in cash at the time it is subscribed for, and at all meetings of said commissioners they may vote in person or by proxy, in relation to the affairs of the company before its organization as aforesaid, and they shall require each subscriber to execute his note to the company for one dollar for each share of stock subscribed for by him, and it shall be lawful for the same to be sued for and recovered of such subscribers, in the name of the company, whether organized as aforesaid or not, to be used when paid in defraying the expenses incurred by the commissioners in the manner aforesaid.

SEC. 18. *Be it enacted*, That if said company should run the said Railroad continuously on the line of any turnpike road, the company shall have power to do so, upon such terms as the company may agree upon with said turnpike company, by permitting such turnpike company to subscribe for such amount of stock in said Railroad company as the parties may agree upon in lieu of the value of, or damages to said turnpike road, or otherwise, but said Railroad Company shall not be liable to pay to any turnpike company any damages for running laterally with, parallel or adjacent to any turnpike road, unless the Railroad should be run continuously upon the bed of such turnpike road.

SEC. 19. *Be it enacted*, That it shall not be lawful for said company to make any unequal discriminations in their charge for freight or passage, or in the transportation of freight or passengers, in favor of any roads that may connect therewith.

SEC. 20. *Be it further enacted*, That the 13th section of an act, passed December 11, 1845, incorporating the Nashville and Chattanooga Railroad Company, shall not be a part of this act.

SEC. 21. *Be it further enacted*, That should any of the stockholders desire to pay their stock or any portion thereof, in work or labor, required in the construction of said road, they shall have the right to do so; *provided*, they will do such work (to be specified) upon contract with the President and directors of said road, on as good terms, or for as low a price, as the directors

Conflict with  
turnpike com-  
panies.

Discriminating  
tolls prohibited

are able to get it done by others; and said stockholders desiring to pay their subscription in work, shall have preference over all others desiring the same contract; and should any two or more stockholders desire or bid for the same work, and neither will underbid the other, the one making the first application shall have preference; *provided*, in all cases where it is required, satisfactory security shall be given to the President and directors for the completion of the work upon the terms specified in the contract.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed November 30, 1853.

## CHAPTER II.

AN ACT to amend an act to establish the county of Union, passed January 3d, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section second of an Act to establish the county of Union, passed January the third, one thousand eight hundred and fifty, shall be so amended that the boundary line of said county shall be as follows, to-wit: Beginning at a sweet gum in the Knox county line at the end of the Clinch mountain, and four chains south of Nance's Ferry road; thence running north thirty-eight east one mile and thirty-four poles to the top of a chain of Clinch mountain; thence north twenty-five east one mile and forty-two poles to the top of a spur of said mountain; thence north six west three quarters of a mile, crossing the main range of Clinch mountain; thence north forty-five east along the side of the mountain, one mile, to a white oak on the top of a spur leading down the mountain opposite Wm. Donchurs; thence north, crossing Flat creek, two miles and twenty poles, to a beech on the bank of Dyer's branch; thence north ten west two hundred and twenty poles, to the top of Copper ridge; thence north one mile and three-quarters, to the top of Lag mountains; thence north twenty-five east one hundred and ninety-two poles, to a sugar tree near John Beeler's; Boundaries.

thence north eighty east one hundred poles, to a stake near John Woolfinberger's house; thence north eighteen east, five miles and eight poles, to Clinch river, three-quarters of a mile above Copp's ford; thence down the south bank of said river, as it meanders, five miles and a quarter, to a large double sycamore below Dodson's island; thence north twenty-five west, crossing Clinch river, one hundred and eighty-two poles, to a white oak, four poles north of the Big Valley road; thence north thirty-five west, five miles, to Powell's river, at a Spanish oak forty poles below the mouth of Camp creek; thence down the meanders of said river to a point twelve miles from Jacksborough, at a spring near John Craig, jr's house on Powell's river, as run and marked by A. W. Armstrong; thence with the line as run and marked by said Armstrong, to Clinch river; thence crossing the river in the same direction to the south bank of said river; thence down the meanders of the river, to Henderson & Co's. survey, two miles above the mouth of Powell's river; thence with the line of Henderson & Co. south forty-five east, half a mile, to a white oak in said line; thence south thirty-eight east, four miles and one hundred and ten poles, to Byron's fork on Hynds' creek, four poles above a large white oak; thence a direct line to the top of the Chestnut or Hynds' ridge, the Knox county line, as run and marked by said Armstrong; thence with the Knox county line on the top of the ridge, to the road crossing from Martin Gentry's to Knoxville; thence south thirty-five east, two miles, crossing Raccoon Valley road and Bull Run creek, to a stake near Marvel Hill's house; thence south seventy-five east, about two miles, to a point where the said Armstrong departed from the line as run and marked by Daniel B. Capps; thence with the line as run and marked by said A. W. Armstrong; thence north seventy eight east, to the end of Clinch mountain, along a line as run and marked by the Commissioners of Union county, to the Knox county line; thence with said line to the beginning.

**SEC. 2.** *Be it further enacted,* That the line herein designated, is hereby declared to be the established line of Union county, and that the commissioners of said county are hereby authorized to proceed at once to organize said county, according to so much of the provisions of the acts to establish Union county as are not inconsistent with this act.

Courts, when held.

**SEC. 3.** *Be it further enacted,* That the Circuit Court of said county, shall be held on the first Mondays af-

ter the fourth Mondays of January, May and September, and shall be held at the place specified in the 6th section of an act entitled "an act to establish the county of Union," passed January 3d, 1850; *Provided*, it shall be lawful for the Judge holding said Court, to hold the same at Liberty Meeting House, if he thinks it best to do so, until a Court house shall be provided at the seat of justice.

WILLIAM H. WISENER,  
*Speaker of the House of Representatives,*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed Nov. 21, 1853.

### CHAPTER III.

AN ACT to incorporate the Memphis Invincible Fire Company, No. 5.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Invincible Fire Company, No. 5, in the city of Memphis, is hereby incorporated by the name aforesaid, with power to continue its organization, to establish and own a library, to own a house and lot for its engine and books, and the general transaction of business, and with the power to sell and convey said property, and re-invest the proceeds for the benefit of said company; also with the further power to pass rules and by-laws for the government of the members, and to enforce the same for the purpose of effecting the objects of its organization, and with power to use a common seal.

SEC. 2. *Be it enacted*, That said Company shall consist of not more than two hundred members, who shall be exempt from serving on juries and from military duty.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 5, 1853.

## CHAPTER IV.

AN ACT to incorporate the Odd Fellows' Female College at Rogersville, East Tennessee, and for other purposes.

**SECTION 1.** *Be it enacted [by the General Assembly of the State of Tennessee,]* That all power herein granted for the government of this College, shall be, and is vested in Hawkins Lodge, No. 41, Independent Order of Odd Fellows, who shall constitute the Board of Trustees, and by the name and style of "The Board of Trustees of Odd Fellows' Female College;" shall have perpetual succession; and for the purpose of the permanent establishment of said College, shall be the proprietors of all personal and real estate, and property belonging to, or that may belong to said Institution of learning, and together with their successors, are hereby declared to be a body politic and corporate, by the name and style aforesaid, and shall be liable to sue and be sued, to plead and be impleaded, in all courts of law, and elsewhere; and to purchase, hold, or sell estate, both personal and real, and to receive and hold the same by gift or devise, in trust, for the purpose of female education; and to have a common seal; and also to ordain and establish, and put in execution such laws and regulations for the purpose of transacting the business of, and for the governing and conducting the said Female College, as shall appear to them proper and necessary. *Provided*, the same shall not be inconsistent with the constitution and laws of this State; and, *provided*, also, that this charter of incorporation shall be approved by the Right Worthy Grand Lodge of the Independent Order of Odd Fellows of Tennessee.

**SEC. 3.** *Be it enacted*, That no alterations or amendments shall be made in the laws and regulations ordained and established as aforesaid, for the government of said College, unless such alterations or amendments shall be proposed in writing, and read in open lodge, at least two successive meeting nights before the last Monday night in June or December, respectively, on which nights alone, amendments or alterations, shall be made to said laws and regulations, and shall then require a vote of two-thirds of the members present, to establish such alterations or amendments.

**SEC. 4.** *Be it enacted*, That in order to aid in the endowment of this College, it may be lawful for the lodge to issue and grant certificates of scholarship to individuals, companies, associations, or lodges, setting forth the

amount of such scholarships, which may be either perpetual or limited, and for such amounts, and upon such conditions as the lodge may determine, entitling the holders of such scholarships to such rights as to placing pupils in the College, and upon such terms as may be set forth therein on their face; which said certificates of scholarship may be, by their holders, transferred bequeathed, or otherwise disposed of, as other property.

SEC. 5. *Be it enacted*, That this charter shall not be so construed as to infringe upon any principle of the Independent Order of Odd Fellows; and this College, as an Odd Fellows' School, shall never be transferred to any other body or association of men; but if at any time the charter of Hawkins Lodge shall be forfeited or surrendered to the Grand Lodge of the State of Tennessee, this Institution, with its chartered rights, shall be vested in said Grand Lodge. *Provided*, That the said Grand Lodge shall never remove it, nor transfer any part of its funds, or in any way divert the same from its original design and intention, or dispose of the same. Transferring funds.

SEC. 6. *Be it enacted*, That the lodge, as a Board of Trustees, shall elect a Board of Curators, of their own body, no more than two of whom shall belong to the same religious denomination, either by actual membership, or publicly known bias, except as hereinafter specified in reference to the President of the Board and Vice President thereof, in whom the executive government of the College shall be vested. This Board of Curators shall consist of six members of this lodge, who shall be elected immediately after the passage of this act, and shall continue in office until the first succeeding Commencement night—to wit: the last Thursday night in June, at which a new board shall be elected; one half of whom, as determined by the lodge, shall serve one year—the other half to go out of office at the expiration of six months, when three more shall be elected to serve one year, of a President and a Vice President. The most worthy Grand Sire of the Grand Lodge of the United States, shall be *ex-officio* President, and the President of said College shall be *ex-officio* Vice President of the board. The Lodge failing to elect the six Curators as above specified, may elect them subsequently at any regular meeting of the lodge, and may also fill any vacancies that may occur, giving the same notice. Three members of the Board of Curators, together with the President or Vice President, shall constitute a quorum for the transaction of business; and in the absence of the President, or Vice Curators.  
Vacancies.

President, any four members of the board shall constitute such quorum.

**Election of officers.** SEC. 7. *Be it enacted*, That the Board of Curators shall nominate to the lodge, persons to fill the offices of President, Professors, Teachers, Tutors, and Steward, and shall make due advertisement for persons to fill said offices.

**May issue Diplomas.** SEC. 8. *Be it enacted*, That the Board of Curators shall have full power to grant Diplomas, or such other certificates of scholarship, to such of its pupils as may be adjudged worthy, which shall be signed by the officers of the lodge, the Board of Curators, and by the President of the College; and shall have such other powers, and perform such other duties as shall be prescribed in the laws and regulations for the government of the College.

**Surplus fund.** SEC. 9. *Be it enacted*, That if at any time a surplus fund shall accrue from the income of the College, after meeting all expenses, the same shall be applied to the education of the indigent orphan children of Odd Fellows.

**O. F. C. at Athens.** SEC. 10. *Be it further enacted*, That the Odd Fellows' Female College at Athens, Tennessee, is hereby incorporated, with all the powers and privileges granted to the Odd Fellows' Female College at Rogersville, East Tennessee, in the foregoing sections. And that all the powers and privileges granted to and vested in Hawkins Lodge, No. 41, Independent Order of Odd Fellows, for the establishing and government of Odd Fellows' Female College at Rogersville, East Tennessee, are hereby granted and vested in McMinn Lodge, No. 54, Independent Order of Odd Fellows, for the establishing and government of Odd Fellows' Female College at Athens, Tennessee.

**Incorporation of Tazewell.** SEC. 11. *Be it enacted*, That the act or acts incorporating the town of Tazewell in the county of Claiborne, be, and the same are hereby revived and made in full force.

**Elections.** SEC. 12. *Be it enacted*, That if at any time heretofore, or at any time hereafter, there may have been, or should be a failure from any cause whatever, to open and hold an election for Mayor and Aldermen, and other officers of said incorporation, at the times prescribed by law, it shall be, and is hereby made the duty of the Sheriff of said county, to open and hold an election at any time thereafter, for said officers, after giving ten days' notice in writing upon the Court-house door, of his intention to open and hold said election at such a time as he may designate; and on his



failure to discharge said duty, he shall be subject to, and liable to a fine of not less than five dollars, and not more than ten dollars, to be recovered as other fines are, by law.

SEC. 13. *Be it enacted*, That all powers and privileges granted to the town of Rogersville, by any act or acts of incorporation, be, and the same are hereby conferred upon the town of Tazewell, so far as are consistent with this act, and the act or acts this is intended to amend; and that this act shall take effect from and after its passage. Powers.

SEC. 14. *Be it enacted*, That Theodore L. Jackson, George Corning, Hugh B. Bull, Daniel F. Wilkin, Frank T. Estill and Wm. Warne, their associates and successors, are hereby constituted a body politic and corporate, by the name of the Rock Creek Mining and Railroad Company, for the purpose of exploring for copper, lead, gold, silver, iron, zink, coal and other ores, metals and minerals, and for mining, working, smelting, assaying and vending the same; and for such purposes may erect all necessary buildings, furnaces, depots and other apparatus and fixtures for carrying on their operations; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits and actions; may have a common seal, and the same alter and renew at pleasure, and may enjoy all the privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey any real and personal estate. Rock Creek  
Mining and R.  
R. Company.

SEC. 15. *Be it enacted*, That the first meeting of said corporation may be called by the persons named in this act, or any three of them, living, at such time and place as they may select, and at such meeting, a Board of Directors shall be chosen from among the stockholders present at such meeting, and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the constitution and laws of the United States and of this State. Organization.

SEC. 16. *Be it enacted*, That the directors shall cause a book to be kept, containing the names of all persons who are stockholders of said company, showing their Shall keep  
books.

place of residence and the number of shares of stock held by each respectively, and the time when they respectively became the owners of said shares, and the amount of stock actually paid in—which book shall be open during the usual business hours of each secular day, at the place of business of said company, for the inspection of the stockholders and creditors of the said company, and their representatives.

Division of  
Stock.

SEC. 17. *Be it enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as they may deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in said mines in such manner as their by-laws may direct.

Limitation of  
debts.

SEC. 18. *Be it enacted*, That said corporation shall not contract debts until the sum of fifty thousand dollars, (or such sum as said Board of Directors may deem expedient,) of the capital, is paid in; no part of which shall be withdrawn, or in any way diverted from the business of the company; and shall not contract debts at any time to an amount exceeding the capital stock of the said company.

Railroad.

SEC. 19. *Be it enacted*, That said Rock Creek Mining and Railroad Company, at any time a majority of the stockholders may deem it expedient and to the interest of said corporation; have the right to build a Railroad or roads, to be used with steam, horse, or animal power, from the mines or lands owned by said company, at the time of organizing the same, and thereafter to be owned by said company, to any point or points they may designate, and may run the same across or along any public road or watercourse.

Assessment  
of damages.

SEC. 20. *Be it enacted*, That if the owner or owners of any lands, or of any materials necessary for the construction or repair of said road, will not agree with the Board of Directors of said company for the sale or use of the same, application may be made by said Board of Directors to any justice of the peace in the county where said property is situated, who shall thereupon issue his writ to the Sheriff of said county, for the summoning of a jury of five freeholders not related to any of the parties, or in any way interested, who, after being sworn by the Sheriff, shall make a just estimate of the value of the property required by said company; and the amount so fixed by said jury shall be paid by

said company to the owners of said property, in full settlement of all values and damages.

SEC. 21. *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 2, 1854.

## CHAPTER V.

AN ACT to authorize South Nashville to borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of South Nashville, through its Mayor and Aldermen, is hereby authorized to raise money on loan, to an amount not exceeding one hundred thousand dollars, and to issue the bonds of the corporation to secure the payment thereof, in sums of not less than one hundred dollars, and not exceeding two thousand dollars each.

SEC. 2. *Be it enacted*, That the Mayor and Aldermen of South Nashville, be, and they are hereby authorized, if necessary to effect said loan, to pledge a portion of the taxes, or the property real or personal, belonging, or which may belong to the corporation of South Nashville, by mortgage, or otherwise.

SEC. 3. *Be it enacted*, That the bonds so to be issued, shall not bear a greater rate of interest than six per centum, and shall not be payable at a greater distance of time from their respective dates, than thirty years, and that this act shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed October 27, 1853.

## CHAPTER VI.

AN ACT to incorporate Shiloh Presbytery.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Ministers and Elders of Shiloh Presbytery, within the State of Tennessee, be, and they are hereby incorporated, by the name and style of Shiloh Presbytery, and in that name may sue and be sued, plead and be impleaded, in any of the courts of law and equity in this State.

SEC. 2. *Be it further enacted by the authority aforesaid,* That all gifts, grants, conveyances, devices and legacies made to Shiloh Presbytery, or made to the Ministers and Elders of Shiloh Presbytery, or which may be made subject to the control or management of Shiloh Presbytery for the erection of churches, the education of pious young men for the ministry, or for the support of Ministers of the Gospel, or any purpose having in view the promotion of religion and the spread of the Gospel, may be sued for, and recovered in the name of Shiloh Presbytery.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

## CHAPTER VII.

AN ACT to incorporate the Mississippi and Tennessee Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mississippi and Tennessee Railroad Company, chartered to construct a road from the Northern line of Mississippi through the counties of De Soto, Panola and Yallabusha, in the direction of Canton in said State, October 16, 1852, by the Legislature of Mississippi, be and the same is hereby incorporated for the purpose of enabling said company to construct that part of their proposed road, from the boundary line of Mississippi to the city of Memphis.

SEC. 2. Said company shall have perpetual succession, sue and be sued, plead and be impleaded, and have all

the rights, powers and privileges to construct said road in this State, as are given to the Memphis and Charleston Railroad Company by their original and amended charters, so far as the same are applicable, as though the same were enacted herein, in words, and the powers therein specially declared.

SEC. 3. The subscription of one hundred and fifty-thousand dollars, voted by the citizens and corporate authorities of Memphis, to aid in the construction of said road, is hereby declared valid; and the city authorities of Memphis shall have power to issue the bonds of the city of Memphis, and subscribe the same as stock in said road, upon such terms and conditions as they may deem best, provided that the mode and time prescribed by the charter of the Mississippi and Tennessee Railroad Company, passed by the Legislature of the State of Mississippi, regulating the election of President and Directors; and the organization of said company shall regulate and govern the company chartered by this act; and, *provided further*, that the subscription made by any corporation or county in Tennessee, to said Railroad, shall be expended on the road within the limits of this State.

Memphis may  
issue bonds.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed December 5, 1853.

## CHAPTER VIII.

AN ACT to incorporate the Planters' Hotel Company.

**SECTION 1.** *Be it enacted by the General Assembly of* the State of Tennessee, That F. O. Hurt, A. W. Johnson, John S. Young, Hugh McCrae, James H. Wilson, Robert Stewart, L. H. Lanier, and such others as may become shareholders of the capital stock of the Company hereby incorporated, and their successors to the rights hereby conferred, be, and the same are hereby constituted a body politic and corporate, by the name and style of the Planters' Hotel Company; and the said stockholders shall have succession, and by their corporate name may sue and be sued, plead and be impleaded, contract and be contracted with, purchase and dispose of real and personal property for the benefit of said corporation, and may have and use a corporate seal.

**Elections.** **SEC. 2.** *Be it enacted,* That the members of said corporation, after the same shall have been organized, shall have power to hold their first election for a Board of Directors, at any time that they may think proper, after one-third of the stock shall have been subscribed, and on the first Monday in May of each year following; which Board of Directors shall consist of five or seven, as the stockholders may determine; all of whom shall be stockholders in said Company; and said Directors shall elect out of their own body a President to serve for said fraction of the first year, and annually thereafter. Said President and Directors shall have power to pass all bye-laws necessary for the government of said corporation, and shall appoint a Secretary and Treasurer, and may require bond and security from said Treasurer; and should a vacancy occur in the Board, or in any of the offices created by said Board, by death, resignation, removal or otherwise, the said President and Directors shall have power to fill such vacancies.

**Meetings of the Board.** **SEC. 3.** *Be it enacted,* That a majority of said Directors shall constitute a quorum to do business, and in the absence of the President, the Board may appoint one of their Board to act as President *pro tem.*, with all the powers and privileges as the President under this act. Said Board shall have power to meet upon their own adjournment, and should a call meeting or meetings be at any time necessary, a majority of the stockholders shall request the President, or in his absence, the Secretary, and in the absence of the latter,

any one of the Directors, to call said Board together ; which request shall be in writing ; and the said President, Secretary or Directors, when so requested, shall notify the members of said Board, and state the time and object of the meeting.

**SEC. 4. *Be it enacted,*** That the Directors shall be elected by the votes of the stockholders ; one share shall be entitled to one vote ; from two to four shares, two votes ; from four to seven shares, three votes ; from seven to ten shares, four votes ; from ten to fifteen shares, five votes ; from fifteen to twenty shares, six votes ; from twenty to thirty shares, seven votes ; from thirty to forty shares, eight votes ; from forty to fifty shares, ten votes ; and for each five shares over fifty, to one vote ; and no stockholder shall, in his own right, be entitled to more than twenty votes for any number of shares, at any election of Directors. The five persons, (or seven as may be agreed upon,) receiving the highest number of votes, shall be elected, whether the number given for any of them be a majority of the votes cast or not.

Scale of voting

**SEC. 5. *Be it enacted,*** That the capital stock of said Company, shall be the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each ; but the amount of said capital stock may, from time to time, as the Directors may think it expedient, be increased to any sum not exceeding two hundred thousand dollars.

Stock.

**SEC. 6. *Be it enacted,*** That it is the intent of this act of incorporation, to authorize and empower said Company to erect in the city of Nashville, at some suitable site on Broad street in said city, to be selected by said Directors, a public Hotel and such other buildings, convenient and appurtenant thereto, as would be likely, in the opinion of the said Directors, to promote the prosperity and usefulness of the same ; and to that end, the said Board of Directors shall have power to purchase the grounds for the site of said Hotel, and other buildings appertaining thereto ; to determine what buildings and improvements shall be erected on said site ; to prescribe the plan thereof ; to contract for the construction of the same ; to lease the same when completed ; to collect the rents ; to superintend and make contracts for the necessary repairs of the premises, from time to time, during their occupation as the property of said company.

Objects of incorporation.

**SEC. 7. *Be it enacted,*** That the said Board of Directors shall not have power, by any act of theirs, to bind

any stockholder beyond the amount of his stock, and the issues and profits thereof.

**Dividends.** SEC. 8. *Be it enacted*, That it shall be the duty of said Board of Directors, to declare dividends of the profits of the establishment amongst the stockholders, in proportion to the amount of stock held by each, unless said Directors shall determine (as they may) to expend said profits in additions and further improvements to said buildings.

**Delinquent stockholders to forfeit stock.**

SEC. 9. *Be it enacted*, That if any shareholder of said capital stock shall, at any time, refuse to pay any instalment due for his share or shares, within ninety days from the time the same has become due and payable, the said Directors may cause an action at law to be commenced for the same, in the name of said corporation; or they may, at their election, cause the stock of said delinquent to be forfeited to the company.

**Transfer of stock.**

SEC. 10. *Be it enacted*, That no share or shares of said stock shall be transferable, without the assent of the Board of Directors thereto, unless the whole amount of shares is paid; and the share or shares of any stockholder may be sold by an execution at law, upon any judgment obtained in favor of said company, and the purchaser shall hold the same, with all the incidents and privileges thereto attached, in the hands of the original holders.

SEC. 11. *Be it enacted*, That no delay in the procuring said capital stock to be taken, shall work a forfeiture to this charter, nor shall it be forfeited by an omission to elect said Board of Directors on the days above specified, until after the first election of Directors and organization of said Board pursuant thereto.

**Commissioners**

SEC. 12. *Be it enacted*, That A. W. Johnson, John W. Ratcliffe, F. O. Hurt, Henry T. Yeatman and James Gould, be appointed commissioners to open books, first giving notice in some newspaper printed in the city of Nashville, for subscriptions for stock in said company, any three of whom may be sufficient to act as such.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed 21st Nov., 1858.



## CHAPTER IX.

AN ACT to incorporate Rose Hill Cemetery in the county of Maury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a corporation is hereby constituted and established, under the name and style of the Rose Hill Cemetery, and in that name capable of suing and being sued, pleading, and of being impleaded, and of buying, holding, improving, disposing of, and governing and protecting a suitable lot for a burying ground, chappel and sexton's house, in or near the town of Columbia, in the county of Maury, to contain, not exceeding forty acres, with power to lay off said ground into lots of suitable size and dimensions, and dispose of the same in such manner as the board of trustees of said corporation may, from time to time, determine.

SEC. 2. *Be it enacted*, That the board of trustees shall have power, when elected, to enact by-laws for the regulation and government of said corporation, its affairs, officers and agents, and to fill vacancies in their board until their next regular election, which shall be binding. *Provided*, they are not inconsistent with the constitution or laws of the United States, or State of Tennessee.

Powers of board.

SEC. 3. *Be it enacted*, That Nathan Vaught, James Andrews, John Baird, Samuel A. Hamner, William Tucker, John B. Hamilton, William Galloway, Washington C. Whitthorne, Leonard D. Myers, Thomas J. Kelley, John B. Padgett, Winfield S. Rainey, William J. Dale, Frank C. Dunington, William R. Hodge and John A. Tucker, (any seven of whom are competent to transact the business for which they are appointed,) are hereby appointed commissioners to select and purchase, for and in the name of said corporation, a suitable lot of ground for a cemetery, and have the same laid off into lots of suitable size and dimensions, with walks or streets, and to offer for sale, and sell in such manner as they may think proper, all, or any portion of said lots so laid off as aforesaid; and whenever they shall have sold as many as twenty-five of said lots to as many as twenty-five different purchasers, they may advertise, for at least five days, by written or printed bill or bills, posted up at the court-house door or doors in the town of Columbia, that they will, at a certain time and place, hold an election for five trustees, to take charge of, and transact the business, and manage the affairs of said corporation, at which election every lot

Commissioners

holder who has purchased and paid for one lot or more in said cemetery, shall be regarded a member of said corporation, and entitled to one vote; and the five persons being lot-holders, receiving the highest number of votes at such election, shall constitute a board of trustees of said corporation for one year, and until their successors are elected, any three of whom shall constitute a quorum to transact any of the business of said corporation.

Duty of Trustees.

SEC. 4. *Be it enacted*, That said trustees, when elected as aforesaid, shall choose from their own body a President, and shall appoint a Secretary and Treasurer, and a Sexton, and such other agents as they may find it necessary to employ, and define and fix their duties, liabilities and compensation. *Provided*, that the President and trustees shall not receive any pay or compensation for their services as such.

Duty of Commissioners.

SEC. 5. *Be it enacted*, That when the trustees, elected as hereinbefore provided for, shall have organized themselves by the election of a President, and Secretary, and Treasurer, the board of commissioners hereinbefore appointed, shall hand over to said board of trustees, or to such person or persons as they may appoint to receive the same, all the books, records, deeds, bonds, notes, papers, funds and money, belonging to said corporation, as an end of their duties as commissioners.

Ground exempt from levy

SEC. 6. *Be it enacted*, That such lot of ground as said corporation may purchase and hold for the purpose aforesaid, shall be forever exempt from seizure or levy, by virtue of execution, attachment or other process, and be also exempt from taxation. *Provided*, That the said board of trustees may, from time to time, levy and collect from the lot-holders such tax as they, in their discretion, may determine to be necessary for the payment of a Sexton, or other agents or officers of the corporation, and for the erecting and repairing of fence, houses and walks, or streets, and for the improvement and embellishment of the grounds. *Provided*, said tax shall not amount to more than two dollars per year, to be collected from any person holding or claiming one lot, or in that proportion, for those claiming more than one lot.

Election of trustees.

SEC. 7. *Be it enacted*, That said corporation shall hold an election once in every year, in such manner as the board of trustees shall prescribe, for five trustees. *Provided*, that if the board of trustees fail to prescribe the mode and manner of holding such election, or fail

to hold or have the same held, in conformity to the provisions of this charter, then and in that case, any five lot-holders may advertise and hold an election in the manner as herein prescribed for the holding of the election by the commissioners; and the five trustees so elected, shall hold their office until the regular time for an election, and until their successors are elected.

**Sec. 8. *Be it enacted,*** That in holding all elections for trustees the polls shall be opened on or before 10 o'clock, A. M., and close at 12 o'clock, M., the same day; and lot-holders may vote by proxy, in such manner as the commissioners or board of trustees may prescribe.

**Sec. 9. *Be it enacted,*** That lot-holders may transfer their claims to their respective lots in such manner as the board of trustees may prescribe.

**Sec. 10. *Be it enacted,*** That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument or grave-stone, or other structure, placed in said Cemetery, or any fence, railing, or other work, for the protection or ornament of said Cemetery; or shall wilfully destroy, cut, break, or injure any tree, shrub or plant, within the limits of said Cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any court of competent jurisdiction, be punished by a fine not less than five dollars, nor more than three hundred dollars; and may be imprisoned in the county jail not less than one, nor more than thirty days, at the discretion of the court, according to the aggravation of the offence; and such offender shall also be liable to a civil action at the instance of the corporation. Penalties.

**Sec. 11. *Be it enacted,*** That the town of Centreville, in the county of Hickman, is hereby incorporated, and the inhabitants thereof are hereby continued and declared to be a body corporate and politic, by the name and style of the "Mayor and Aldermen of the town of Centreville," to have, possess and exercise the same rights and powers, and perform the same duties in their corporate capacity, that are vested in, and required of the incorporation of the town of Hardinsville, in an act, entitled "an act to incorporate the town of Hardinsville, in the county of Hardin, and for other purposes:" passed October 14, 1824. And said corporate body shall have succession for a period of fifty years, from the expiration of their present charter. Centreville  
incorporated.

**Sec. 12. *Be it enacted,*** That the Mayor and Aldermen of the town of Columbia, be, and they are hereby

authorized and empowered to open and straighten a street from the point where the old Pulaski road leaves the Columbia and Pulaski turnpike road, near the south margin of the town of Columbia; which street shall not exceed forty feet in width, and shall run with the old Pulaski road, in the direction of said Cemetery, to the southern borders of the corporation of Columbia.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed January 2d, 1854.

## CHAPTER X.

AN ACT to incorporate the Knoxville Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Myphra Williams, A. L. Maxwell, Campbell Wallace, M. B. Prichard, Anson Bangs, and Matthew Nelson, be, and they are hereby appointed commissioners, for the purpose of opening books at such time and place in the city of Knoxville, as they, or a majority of them may direct, for the purposes of receiving subscriptions to the capital stock of the "Knoxville Manufacturing Company."

Organization. SEC. 2. *Be it further enacted*, That upon subscriptions being made to the amount of twenty-five thousand dollars, the subscribers may organise themselves, by the election of such officers as they may see proper to select, into a company which shall be known by the name and style of the "Knoxville Manufacturing Company," and as such, shall have succession for ninety-nine years; may have a common seal; may sue and be sued, and have all other powers incident to a body corporate and politic, that are necessary to enable said company to embark in and prosecute the manufacture at the city of Knoxville of railroad iron, cars, locomotives, and all such other fabrics, either of wood or iron, which said company may see proper to manufacture.

Capital stock. SEC. 3. *Be it further enacted*, That said company may, from time to time, increase its capital stock to such amounts as it may desire, but in no event, to exceed five hundred thousand dollars.

**Sec. 4. *Be it further enacted,*** That railroad companies, or other corporations in other States, may hold and own capital stock in said Knoxville Manufacturing Company. Companies may hold stock

**Sec. 5. *Be it further enacted,*** That said company Officers. shall have such number of directors, officers and agents, as they may see proper; they may adopt such rules and regulations for their government as they may desire, so they are not inconsistent with the constitution and laws of this State; and they may commence business upon any amount of capital short of the maximum of their capital stock; and they may divide their capital stock into such shares as they desire.

**Sec. 6. *Be it enacted,*** That H. B. Tibbits, Stephen Bawden and Wm. Warne, their associates and successors, are hereby constituted a body politic and corporate, by the name of the United American Mining and Smelting Company, for the purpose of exploring for copper, lead, iron, zinc, silver, gold, coal and other ores, metals and minerals, and for mining, working, smelting, and vending the same; and for such purposes may erect all necessary buildings, and other apparatus and fixtures for carrying on their operations; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits and actions; may have a common seal, and the same alter and renew at pleasure, and may enjoy all the privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey any real and personal estate. United American Mining & Smelting Company.

**Sec. 7.** That the first meeting of said corporation may be called by the persons named in this act, or a majority of the aforesaid commissioners named in this act, at such time and place as they may select, and at such meeting, a board of directors shall be chosen from among the stockholders by the votes of a majority of the stockholders present at such meeting, and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the constitution and laws of the United States and of this State. Organization.

Shall open  
book.

SEC. 8. That the directors shall cause a book to be kept, containing the names of all persons who are stockholders of said company, showing their place of residence and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in—which book shall, during the usual hours of each secular day, be opened at the place of business of said company, for the inspection of the stockholders and creditors of the said company, and their representatives.

Division and  
transfer of  
shares.

SEC. 9. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in said mines in such manner as their by-laws may direct.

Contracting  
debts.

SEC. 10. That said corporation shall not contract debts until the sum of thirty thousand dollars, of the capital is paid in; no part of which shall be withdrawn, or in any manner be diverted from the business of the company; and shall not contract debts at any time, to an amount exceeding the capital stock of the said company.

SEC. 11. This act shall take effect from and after its passage.

East Consols  
Mining Com  
pany.

SEC. 12. *Be it further enacted*, That DeWitt Clinton Ellis, H. C. Hensley, and H. K. Walker, their successors and associates, are hereby constituted a body politic and corporate, by the name of the East Consols Mining Company, for the purpose of mining, and working copper, lead, zinc, and iron ores, and coal, or any other minerals, metals or ores; and also for exploring for, and purchasing and vending the same, and for such purposes they may erect all necessary buildings, apparatus and fixtures for carrying on their mining operations; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits or actions, and have a common seal, and the same alter or renew at pleasure; and may enjoy the privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey real or personal estate.

Directors, &c.

SEC. 13. That the first meeting of said corporation may be called by the persons named in this act, or a majority of them, at such time and place as they may

**Sec. 4.** *Be it further enacted,* That railroad companies, or other corporations in other States, may hold and own capital stock in said Knoxville Manufacturing Company. Companies may hold stock

**Sec. 5.** *Be it further enacted,* That said company Officers. shall have such number of directors, officers and agents, as they may see proper; they may adopt such rules and regulations for their government as they may desire, so they are not inconsistent with the constitution and laws of this State; and they may commence business upon any amount of capital short of the maximum of their capital stock; and they may divide their capital stock into such shares as they desire.

**Sec. 6.** *Be it enacted,* That H. B. Tibbits, Stephen Bawden and Wm. Warne, their associates and successors, are hereby constituted a body politic and corporate, by the name of the United American Mining and Smelting Company, for the purpose of exploring for copper, lead, iron, zinc, silver, gold, coal and other ores, metals and minerals, and for mining, working, smelting, and vending the same; and for such purposes may erect all necessary buildings, and other apparatus and fixtures for carrying on their operations; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits and actions; may have a common seal, and the same alter and renew at pleasure, and may enjoy all the privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey any real and personal estate. United American Mining & Smelting Company.

**Sec. 7.** That the first meeting of said corporation may be called by the persons named in this act, or a majority of the aforesaid commissioners named in this act, at such time and place as they may select, and at such meeting, a board of directors shall be chosen from among the stockholders by the votes of a majority of the stockholders present at such meeting, and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the constitution and laws of the United States and of this State. Organization.

Shall open  
book.

SEC. 8. That the directors shall cause a book to be kept, containing the names of all persons who are stockholders of said company, showing their place of residence and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in—which book shall, during the usual hours of each secular day, be opened at the place of business of said company, for the inspection of the stockholders and creditors of the said company, and their representatives.

Division and  
transfer of  
shares.

SEC. 9. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in said mines in such manner as their by-laws may direct.

Contracting  
debts.

SEC. 10. That said corporation shall not contract debts until the sum of thirty thousand dollars, of the capital is paid in; no part of which shall be withdrawn, or in any manner be diverted from the business of the company; and shall not contract debts at any time, to an amount exceeding the capital stock of the said company.

SEC. 11. This act shall take effect from and after its passage.

East Consols  
Mining Com  
pany.

SEC. 12. *Be it further enacted*, That DeWitt Clinton Ellis, H. C. Hensley, and H. K. Walker, their successors and associates, are hereby constituted a body politic and corporate, by the name of the East Consols Mining Company, for the purpose of mining, and working copper, lead, zinc, and iron ores, and coal, or any other minerals, metals or ores; and also for exploring for, and purchasing and vending the same, and for such purposes they may erect all necessary buildings, apparatus and fixtures for carrying on their mining operations; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits or actions, and have a common seal, and the same alter or renew at pleasure; and may enjoy the privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey real or personal estate.

Directors, &c.

SEC. 13. That the first meeting of said corporation may be called by the persons named in this act, or a majority of them, at such time and place as they may



select, and at such meeting a board of directors shall be chosen from among the stockholders present in person or by proxy at such meeting, and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the company, as they may deem expedient, not inconsistent with the rules made by the stockholders, as aforesaid, nor with the constitution and laws of the United States and of this State.

SEC. 14. That the directors shall cause a book to be kept containing the names of all persons who are stockholders in said company, showing their places of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in, which book shall, during the usual business hours of each secular day, be open at the usual place of business of said company, for the inspection of the stockholders and creditors of said company, and their representatives.

Shall keep  
book.

SEC. 15. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient, and may levy and collect assessments, forfeit and sell the shares of delinquent stockholders, declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct.

Sale and trans-  
fer of stock.

SEC. 16. That said corporation shall not contract debts until the sum of thirty thousand dollars of the capital stock is paid in, no part of which shall be withdrawn, or in any way diverted from the business of the company; and shall not contract debts at any time, to an amount exceeding the capital stock of said company.

Debts.

SEC. 17. This act shall take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, January 2, 1854.

## CHAPTER XI.

AN ACT for the benefit of Lewis county.

*Whereas*, by the third section of an act passed by the General Assembly of the State of Tennessee, the fourth day of February, 1852, chapter 367, entitled "an act to change the line between the counties of Hardin and De catur, and for other purposes," A. G. Cooper, Robert O Smith, W. H. Flannegan, John S. Hunter and George Nixon, were appointed commissioners to run the unascertained boundary between the counties of Maury and Lewis, from the Patterson line north-westwardly to the Hickman county line; and, *Whereas*, said commissioner did proceed to run and mark said line in pursuance of the provisions of the second section of the above recited act; and, *Whereas*, said commissioners did, after they had run and marked said line, proceed in pursuance of the provisions of the fourth section of the above recited act, to advertise and hold an election; and, *Whereas*, it so happened that the day set apart for holding said election, was extremely wet and inclement, the creek and water courses so high on account of the rain, that many of the voters living in the Maury fraction laid off by said commissioners, to be attached to the county of Lewis, could not get to the place of holding said election, and consequently were deprived of the privilege of voting at said election; and, *Whereas*, a large majority of those who did vote at said election [voted] in favor of being attached to Lewis county; and, *Whereas*, it is believed that a large majority of those citizens living in said fraction, who were deprived of the privilege of voting at said election, are now, and were at the time said election was held, desirous and anxious to be attached to the county of Lewis; and, *Whereas*, the commissioners appointed by the above recited act, do not believe themselves authorized by said act, to advertise and hold said election over, and thereby give all the voters living in said Maury fraction another opportunity to vote for or against being attached to said county of Lewis; for remedy whereof,

Sheriff to hold  
election.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Sheriff of Lewis county, and he is hereby directed to proceed and hold an election in the Maury fraction heretofore taken from Maury county, and attached to Lewis county, under the provisions of the above recited act, first giving ten days' notice at three of the mes-

public places in said fraction, of the time and place of holding said election, for the purpose of fully ascertaining whether a majority of all the voters living in said fraction are in favor or opposed to said change; and all persons living in said fraction qualified to vote for members of the General Assembly, on the day of said election, shall be entitled to vote, and each voter who desires to vote for the change heretofore made, shall have on his ticket the words "Lewis county;" and those opposed to said change, shall have on their tickets, the words "Maury county;" and if, upon counting out the votes polled, it shall appear that a majority have voted for the change, then the said fraction heretofore taken from Maury county by the line run by said commissioners, as prescribed in the above recited act, shall remain attached to, and constitute a part of Lewis county; and that the jurisdiction of Lewis county heretofore exercised in and extended over the said Maury fraction, is hereby declared valid and legal to all intents and purposes.

SEC. 2. *Be it enacted*, To avoid any difficulties that might hereafter arise from said change, heretofore made, that all the official acts heretofore done and performed in said county of Lewis, both in the Maury fraction, and also in each of the fractions taken from other counties by the officers thereof, whether said acts be of a judicial or ministerial character, are hereby declared legal, valid and binding in law, to all intents and purposes whatever. Acts made valid.

SEC. 3. *Be it further enacted*, That this act shall not be so construed as to repeal any act or acts, or any of the provisions of any of the acts of the General Assembly, now in force in this State, in reference to the laying off and organizing the county of Lewis; and that this act shall be in force, and take effect from and after the date of its passage.

WILLIAM H. WISENER,  
*Speaker of the House of Representatives,*  
EDWIN POLK,

*Speaker of the Senate.*

Passed, December 2, 1853.

## CHAPTER XII.

AN ACT to amend an act passed November 29th, 1851, chap. 303, entitled  
 "an act to incorporate the Nashville and Cincinnati Railroad Company."

May borrow  
 money.

SEC. 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That the Nashville and Cincinnati Railroad Company be, and they are hereby authorized to borrow on the credit of said company, a sum of money not exceeding three million of dollars, and may issue the bonds of said company for the amount borrowed, payable at such times, and bearing such rate of interest as said company may determine; and shall have full power to secure the payment of said bonds by a mortgage or deed of trust on the road, property and franchise of said company. *Provided,* that nothing herein contained shall be so construed as to effect or impair the lien which the State has, or may have on the road, property, or stock of said company, under the act to establish a system of internal improvements in the State, passed February 11th, 1852.

Calls on stock.

SEC. 2. *Be it enacted,* That said Nashville and Cincinnati Railroad Company, be, and they are hereby authorized to make calls on their stock subscribed, or which may be subscribed, to be paid in such instalments, and at such times as said company may determine without limit as to the time or amount. *Provided,* that no payment on the stock of said company shall be demanded, until at least thirty days public notice of such call or demand, shall have been given by said company by publication of notice in one or more of the newspapers published in the city of Nashville.

SEC. 3. *Be it enacted,* That so much of the fourth and thirty-second sections of the act to incorporate the Nashville and Cincinnati Railroad Company, passed November 29th, 1851, as is inconsistent with the provisions of this act, be, and the same are hereby repealed.

SEC. 4. *Be it enacted,* That so much of the first and thirteenth sections of said act as requires said Nashville and Cincinnati Railroad Company to construct their road by Gallatin, be, and the same is hereby repealed.

SEC. 5. *Be it enacted,* That so much of the 15th section of the 11th of February, 1852, chapter 151, entitled "an act to establish a system of internal improvements in this State," as is contained in the following words—to wit: "Provided also, that if the Louisville and Nashville Railroad Company locate their road through

Sumner county by way of Gallatin, then the provisions of this act shall not extend to or embrace the Nashville and Cincinnati Railroad Company, and the charter granted said last named company, shall, in that event, be void. But should said road not be so located, and both Companies desire to run their roads to Nashville, then the provisions of this act shall extend to the company first obtaining *bona fide* subscriptions, as provided in the 1st section of this act, made known to the Governor as therein prescribed; and the other company shall unite their road to the one so provided for, at some suitable point, at least ten miles north of Nashville, and the provisions of this act shall extend to said road only from the point of connection to the Kentucky State line," be, and the same is hereby repealed; and said Nashville and Cincinnati Railroad Company shall be entitled to all the rights, powers and privileges granted to said company by the act of 29th of November, 1851, chapter 303, and the act of the 11th of February, 1852, chapter — as though said proviso had not been inserted in said named act.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed January 10, 1854.

### CHAPTER XIII.

AN ACT to establish a Criminal Court in the City of Memphis in the county of Shelby, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That after the passage of this act, a court shall be established in the city of Memphis, in the county of Shelby, for the trial of all crimes and offences against the laws now in force, or hereafter to be in force in this State, to be composed of one Judge, to be elected by the qualified voters of the fifth, thirteenth and fourteenth civil districts in said county of Shelby, (the election to be held as elections for other Judges are held,) which Judge shall hold his office for the term of eight years, and shall reside in said civil districts.

**Salary.** SEC. 2. *Be it enacted*, That the said Judge shall be entitled to, and receive, an annual salary of fifteen hundred dollars, to be paid as other Judges in this State are paid.

**Regular terms.** SEC. 3. *Be it enacted*, That the style of said court shall be the Criminal Court of Memphis, and there shall be held three terms of the same in each year, in the city of Memphis, which terms shall commence on the 2d Mondays in February, June and October, and shall continue its sessions so long as there may remain business on its docket undisposed of, or until it shall interfere with the terms of the Common Law and Chancery Court of the city of Memphis. And the Judge of said Criminal Court shall have power, and the same is hereby given, to order and hold special terms, whenever it shall seem to him necessary, of which order public notice shall be given two weeks previous to the time of holding said special terms; and at such special terms, or adjourned terms, he may make all orders and do any and everything which he can do at the regular terms.

**Special terms.**

**Officers.** SEC. 4. *Be it enacted*, That the Attorney General of the Eleventh Judicial Circuit, the Clerk of the Common Law side of the Common Law and Chancery Court of the city of Memphis, and the Sheriff of said Shelby county, shall attend the said Criminal Court, and perform all the duties now required of them respectively in relation to the criminal business, so far as such may come before said Criminal Court, and shall receive the same fees and compensation therefor.

**Jurors and witnesses.** SEC. 5. *Be it enacted*, That the Judge of said court, from time to time, shall appoint a grand and two petit juries, to attend said court, both at its regular and special term; and the said jurors and witnesses who shall attend said court shall be entitled to the same compensation and subject to the same rules and regulations, possess the same qualifications as are now provided by law in regard to jurors and witnesses in the circuit courts in this State.

**Jurisdiction.** SEC. 6. *Be it enacted*, That the said criminal court shall be holden in the city of Memphis, and have jurisdiction of all crimes and misdemeanors committed within the fifth, thirteenth and fourteenth districts of Shelby county, subsequent to the passage of this act, and the bills of indictment or presentment in said court shall allege that the offense was committed within said district or districts; and the circuit court of Shelby county and the common law and chancery court of the city of Memphis shall not have jurisdiction of any of-

**fences committed within said limits, except such as shall have been committed prior to the organization of said criminal court; and all process thereafter to be issued, shall issue from said court returnable to the same at the next succeeding term thereof, and all recognizances to be taken for the appearance of defendants at the succeeding term of said criminal court.**

**SEC. 7. *Be it enacted,*** That the said criminal court shall have all the jurisdiction now held by the common law and chancery courts of the city of Memphis, for the trial and punishment of all crimes and offences originating within the above named district or districts, and the recovery of all fines and forfeitures, and shall have and exercise said jurisdiction exclusively; and the process and forms, and modes of proceeding shall be the same in said court as now prevail in the common law and chancery court of the city of Memphis in such cases as aforesaid.

**SEC. 8. *Be it enacted,*** That trials of error, and appeals in the nature of the writs of error, may be prosecuted from the judgment of said court in the same manner as they may be from the common law and chancery court of the city of Memphis. Appeals.

**SEC. 9. *Be it enacted,*** That the Judge of said court, before he proceeds to the discharge of the duties of his office, shall take the oath prescribed for Judges of the circuit courts of this State, and in case of failure so to do, shall be subject to the same penalties to which Judges of the circuit courts are now subjected for the like offence. Official oath.

**SEC. 10. *Be it enacted,*** That if said Judge shall fail to attend to hold a court on the days designated as aforesaid for a regular or special term, it shall be the duty of the clerk to open and adjourn the court for the three first days of the term, and if the Judge shall not attend by 4 o'clock on the third day of said term, the court shall be adjourned by the clerk till the next court in course; and all recognizances, processes, and other proceedings, returned or returnable to said term, shall be proceeded in as is now proceeded in such cases in the circuit courts, and shall be returnable as in such cases is provided in said courts; and if from any cause the court shall not sit on any day or days in a term after it shall have been opened, there shall be no discontinuance, but so soon as the cause is removed, the court shall proceed to business until the end of the term. Clerk to adjourn over.

**SEC. 11. *Be it enacted,*** That all laws giving to the common law and chancery court of the city of Mem-

phis, jurisdiction of crimes and criminal offences within the above named district or districts, or so much as give such jurisdiction, be, and the same is hereby repealed.

Disqualification of Judge.

SEC. 12. *Be it enacted*, That in every case which may come up for trial before said court, and in which the judge may be legally disqualified to act, the said Judge shall certify the same to the Judge of the common law and chancery court of the city of Memphis, or to the Judge of the eleventh judicial circuit, whose duty it shall become thereupon to sit on the trial of said cause, in place of the Judge so disqualified, and at a period as early as may be consistent with the other duties of his office.

Injunctions, &c

SEC. 13. *Be it enacted*, That the Judge of the said criminal court shall have power to grant writs of injunction, *certiorari*, *supersedeas*, and *mandamus*, and attachments, in as full and complete a manner as the Judge of the common law and chancery court of the city of Memphis, or the circuit Judges have power now to do.

Interchange.

SEC. 14. *Be it enacted*, That the Judge of said criminal court, and the Judge of the common law and chancery court of the city of Memphis, and the Judge of the eleventh judicial circuit may, when they deem it necessary, interchange the holding of their courts. *Provided*, That nothing in this act shall be construed to give said criminal court jurisdiction beyond the limits of said districts, including Memphis and Fort Pickering.

Expense paid by corporation

SEC. 15. *Be it enacted*, That the expenses of providing a house in which to hold said criminal court, and the expenses of jurors in said court, shall be paid by the corporation of the city of Memphis.

Transferring causes.

SEC. 16. *Be it enacted*, That all criminal causes pending in the common law and chancery court of the city of Memphis, of any kind whatever, be, and the same are hereby transferred to the criminal court of the city of Memphis, in the exact state and condition they now occupy in said common law and chancery court, and all further steps shall be taken and the said causes tried and disposed of in the same manner as if originally begun in said criminal court, and the more effectively to do this and to guard against confusion, the Judge of said court may make such orders in relation thereto as may best attain the ends of justice.

Process, how returnable.

SEC. 17. *Be it enacted*, That all processes heretofore issued from the common law and chancery court of the city of Memphis, and not yet returned, and all recogni-



ances, made returnable to the next ensuing term of said court, and all recognizances of principals and sureties, binding either principals or sureties, or both, for the appearance of any party, defendant, or defendants, to the next ensuing term of said common law and chancery court of the city of Memphis, shall be returnable, according to the exigency thereof, into said criminal court at the said next ensuing term thereof, at which time an order of said court shall be made to transfer the same to said criminal court hereby created, after taking forfeitures on such recognizances as do not appear, and from such as do appear, new recognizances, binding them to appear at the next term of said criminal court, after its organization. And should the office of said criminal court become vacant, before the term thereof next ensuing after the election of said Judge, then the Judge of said common law and chancery court, shall hold said term and make the transfer, take forfeitures, and renew recognizances as hereinbefore directed. And should the office of Criminal Judge at any time become vacant by resignation, death or otherwise, the Judge of the said common law and chancery court of the city of Memphis, shall hold said criminal court until a Judge thereof shall be elected according to the laws and constitution of this State.

Sec. 18. *Be it enacted*, That the said criminal court shall be organized and go into full operation and effect on the second Monday in February, eighteen hundred and fifty-four.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 19, 1858.

## CHAPTER XIV.

AN ACT to establish a College at Fayetteville, in Lincoln county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a College be established at Fayetteville, in Lincoln county, on the land now owned by the corporation, hereinafter mentioned, for the pro-

motion of science and literature, which shall be known and distinguished by the name of Milton College.

**Trustees.** SEC. 2. *Be it further enacted*, That Samuel M. Cowan, William Moore, Edward G. G. Beanland, Albert G. Gibson, James L. Thomson, John M. Bright, Robert P. Shapard, Matthew H. Bone, John Robinson, James M. Davidson, M. H. Roberts, David F. Robertson, George W. Mitchell, L. T. Gray, M. L. Dismukes, P. H. Holbert, and Moses H. Bonner, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of "The Trustees of Milton College," as aforesaid, and by that name shall have succession for ninety-nine years, and a common seal.

**Property.** SEC. 3. *Be it enacted*, That the said trustees and their successors, by the name aforesaid, shall and may be competent in law, to have, receive, hold and enjoy lands, tenements and hereditaments of any kind or value, in fee for life or years; and personal property of any kind whatsoever; and also all sums of money of any amount that may be specified, which may be granted, devised or bequeathed to them, for the purpose of building, erecting, or endowing and supporting the said college; all which property, of any and every kind whatsoever, shall be exempt from taxation, so long as it is applied in good faith, for the benefit of the Institution aforesaid.

**Degrees.** SEC. 4. *Be it further enacted*, That said trustees shall have full power and authority to elect a President, and such Professors, Tutors, and other officers of said college, as they may deem necessary; and that the President and Professors shall be constituted a Faculty, which shall have full power and authority to cultivate the Arts, Sciences and Literature, in all their branches, as the same are usually taught and cultivated in other colleges; also to confer degrees of Bachelor and Master of Arts, or any other degrees of literary distinction, known or conferred in the United States, upon any student or person; *provided*, such student or person, shall have attained such standard of moral or intellectual culture as shall be hereafter required by said college; and that the said Faculty and eleven trustees shall constitute a quorum to form such by-laws, rules and regulations for the government of said college and promotion of education therein, as they shall deem expedient and necessary. *Provided*, such by-laws, rules and regulations be not incompatible with the constitution of the United States, and the laws of this State. And, *provided, further*, that the appointment of President by

**Quorum.**

the board of trustees, must, in all cases, be confirmed by the Tennessee Presbytery of the Cumberland Presbyterian Church.

Sec. 5. *Be it enacted*, That there shall be two semi-annual meetings of said trustees, within the college building at Fayetteville—to wit: on the last Mondays in January and August, unless the trustees when assembled, shall adjourn to a different time and place, eleven of which trustees shall constitute a quorum to transact any business pertaining to said Institution; to fix salaries, or remove any incumbents of such board of trustees or Faculty, for misconduct or neglect in office; and said trustees may adjourn from time to time, and set on their own adjournments to transact any business herein designated. *Provided*, that vacancies in the board of trustees shall, in all cases, be filled by appointment of said Presbytery. And, *provided, further*, that two-thirds of the board of trustees shall be members of the Cumberland Presbyterian Church. Meetings. Vacancies.

Sec. 6. *Be it enacted*, That the said trustees, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity; and may grant, bargain, sell and convey any lands, tenements, hereditaments, goods and chattles, belonging to them; and act, or do all things whatsoever, for the benefit of said Institution, in as full and ample a manner as any person or body politic or corporate can or may do by law. General powers.

Sec. 7. *Be it enacted*, That the President, or any three of the trustees of said college, shall have power and authority to call occasional meetings when by them deemed necessary; and that the President at each and every meeting of the board aforesaid, shall preside, except in cases of vacancy or absence. Under such circumstances the trustees shall elect a President *pro tem.*, and all acts of the board so constituted, shall be legal. Called meetings.

Sec. 8. *Be it enacted*, That this shall be deemed a public act, and as such shall be judicially recognised without special pleading in all the courts of law or equity in this State.

WM. H. WISENER,  
Speaker of the House of Representatives.  
EDWIN POLK,  
Speaker of the Senate.

Passed, November 21st, 1853.

## CHAPTER XV.

AN ACT to amend the charter of the Pigeon Roost and Chulahoma Turnpike Company, in Shelby county, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Holman, F. A. Owen, Samuel Roseborough, W. S. Williams, Samuel Watson, J. F. Hamlin, B. Graham, William Pearson, R. Orne, S. P. Walker, J. Straine, J. S. Clayton, Lem Banks, J. B. Roberson, Thomas Iredell, D. S. Greer, D. Pearson, H. L. Gion, E. Talley, N. Ragland, W. S. Miller, J. Maples, E. Rowland, F. T. Payne, Elles Malone, J. M. Tait, S. Flinn, A. Flinn, W. P. Waffield, Thomas Holyoak, D. W. Harrison, L. Beauford, J. E. Felts, B. R. Ellis, A. Rutland, M. D. Derrick, A. B. Cannon, who are at present, stockholders in said company, and all others who may hereafter become stockholders in said company are hereby created a body politic and corporate, under the name and style of the Pigeon Roost and Chulahoma Turnpike Company, and in that name shall have succession for ninety-nine years; may sue and be sued, plead and be impleaded; and may make such by-laws and regulations as shall be necessary to carry out the powers herein given.

Route of road. SEC. 2. *Be it further enacted*, That the said turnpike company shall have power to build a plank road from the eastern corporate limits of the city of Memphis, where the Pigeon Roost road intersects the same, to a point at or near where the said road crosses the northern boundary line of the State of Mississippi, keeping on, or as near as practicable to the old road.

Style of road. SEC. 3. *Be it further enacted*, That the said road shall be bedded at least twenty-four feet wide, and nine feet of the same covered with plank, and shall be graded within five degrees of a level, and shall have sufficient ditches and culverts to drain off the water, and good bridges across the streams of water.

Materials. SEC. 4. *Be it further enacted*, That the said company shall have the right to take any wood, dirt, timber, stone or gravel, convenient to said road, necessary for the advantageous construction of the same; *provided*, they shall pay for it such damages as may be reasonable, if any should be claimed by the owner or owners; and should the parties be unable to agree as to the amount to be paid, the matter shall be determined as provided for in section five of this act.

**Sec. 5. *Be it enacted,*** That after the route shall be surveyed and located as aforesaid, if it shall run through the lands of any person who is unwilling or incapable in law, to grant the same for such purpose, or with whom said company are unable to agree as to the price to be paid for such lands for the use of said road, upon application of either party by petition to the circuit court, a jury of five freeholders, disinterested, shall be summoned by the sheriff of the county, who shall (first take an oath a true verdict to give, which oath the sheriff is hereby authorised to administer,) assess the damages of the owner of the land, taking into consideration the advantages of the said road to such person. The sheriff shall give each party five days' notice of the time and place of the sitting of said jury, and shall return the verdict of the jury at the next term of said circuit court, which court shall thereupon enter up judgment upon said verdict, unless the same is set aside by the court for good cause shown; and if said verdict be set aside the court shall order a new jury, who shall assess the damages in the same manner, and make return thereof, and upon final judgment being entered up, said company may enter upon and take possession of said lands not exceeding fifty feet in width, and may continue to hold and use the same for the purpose of said road. *Provided,* that said company in the first place, and before such entry, pay, or tender to the owner or his agent, the sum so assessed by the jury. The cost of the proceedings shall be paid by the company unless they make it appear that they had offered to said person or his or her agent, before the commencement of the proceedings in court, as large a sum as may have been assessed by the jury; in which case the cost shall be paid by the party who refused to accept the tender.

Damages.

**Sec. 6. *Be it enacted,*** That no petition, suit or action, shall be brought for damages on account of said road running over the lands of any person after twelve months from the date of the location and survey of the route for said road; nor shall any petition, suit or action be brought for damages on account of the taking by said company of any stone, timber, gravel, or earth, after twelve months from the time the same may be taken; *provided,* persons non compos, femmes covertes, imprisoned, or beyond seas, shall have twelve months after becoming of sound mind, discoverte, set at liberty, or returned from beyond seas, in which to file their petition, or bring their suit or action.

Limitation of action.

Election of  
officers.

**Sec. 7. *Be it enacted,*** That said company shall provide by by-laws, to be made by a majority of the stockholders, and entered in a book to be kept by them as a record of their proceedings, for the annual election of such directors, not less than three nor more than seven, and for such officers, agents and servants of the company, as they may deem necessary and proper, to conduct the business thereof; which directors, officers, agents and servants, shall continue in office until their successors are elected and qualified; and said company may make such other by-laws, rules and regulations, to be entered on their books, as may be deemed necessary for the laying out, building, keeping up and government of said company. To constitute a quorum at any meeting of the stockholders, a majority of shares shall be represented in person, or by proxy, appointed by written authority; and to constitute a quorum of directors, a majority of them shall be present.

Elections,  
when held.

**Sec. 8. *Be it enacted,*** That the election for directors shall be held on the first Monday in December, and they shall go into office on the first Monday in January following; and said directors shall then elect such officers, agents and servants as this act and the by-laws of the company may direct. The President of the board shall be chosen from the body of directors.

Call meetings.

**Sec. 9. *Be it further enacted,*** That the directors shall have power to call a meeting of the stockholders at such time and place as they may deem necessary; *provided*, this shall not supercede the necessity of an annual meeting on the first Monday in December.

**Sec. 10. *Be it enacted,*** That the said company may purchase and hold as much as ten acres of land, adjacent to each toll gate.

Calls upon  
stock.

**Sec. 11. *Be it enacted,*** That said company shall provide by by-laws for calling for payment of stock, all of which shall be called for, if necessary, for the building of said road and payment of the debts of the company, within the time allowed for building of the road; and should any stockholder fail to pay any call, his stock may be sold by order of the directors, for the amount of the call or calls that may be due, and the purchasers of it shall have all the rights and be subject to all the liabilities of the original subscriber. If it does not bring the amount due, the original owner shall be liable to a suit for the balance, and the company may bring debt or assumpsit at its election, against such delinquent stockholder.

SEC. 12. *Be it enacted*, That twenty days' notice shall be given of each call, either by publication in a newspaper, or by personal service of notice, according as may be deemed best by the board of directors. Notice.

SEC. 13. *Be it enacted*, That said company shall have the right to erect three toll gates on said road, and to place them on such parts of the road as they may deem best, and said company shall always have the right to change the location of said gates or either of them; *provided*, no two gates shall be nearer to each other than four miles. Gates.

SEC. 14. *Be it enacted*, That said company shall be authorized to demand and collect the following toll from Tolls. all persons passing on said road—to wit: One cent per head for hogs or sheep; two cents per head for cattle, horses, or mules, in a drove; for horses or mules not in a drove, nor employed in drawing, five cents per head, whether mounted or not; for every wagon drawn by two horses, mules or oxen, fifteen cents; for every wagon drawn by four horses, mules or oxen, twenty cents; for every wagon drawn by five or six horses, mules or oxen, twenty-five cents; for every buggy, barouche, and other similar vehicles, drawn by two horses, or mules, fifteen cents; other two horse pleasure carriages twenty-five cents; for one horse buggies and other similar vehicles ten cents; for each cart, carryall, derbin wagon, dray or similar vehicle, drawn by one horse, mule or ox, ten cents—if drawn by two, fifteen cents.

SEC. 15. *Be it enacted*, That if any person shall forcibly or secretly pass any of said gates without paying the toll, or go round any of the gates after traveling on said road, to avoid the payment of toll, such person so offending, shall be liable to an action before any justice of the peace for the amount of toll, and shall also forfeit and pay five dollars for every such offence, to said company, to be recoverable by action of debt before any justice of the peace, and both the forfeiture and toll may be sued for in the same warrant. Penalty for avoiding gate.

SEC. 16. *Be it enacted*, That before said company shall erect a toll gate or toll gates, they shall procure the county court of the county of Shelby to appoint three disinterested persons to examine said road, who shall be sworn a true report to make, and if said persons shall report that said road, or that part on which it is proposed to create a gate or gates, has been finished according to the provisions of this act, then an order shall be made allowing said gate or gates to be erected. Commissioners to examine road.

Road out of  
repair.

**SEC. 17. *Be it enacted,*** That should said road, or any part of it, become and remain out of repair for twenty days at one time, any person may make affidavit before any justice of the peace of the county, of that fact, and thereupon a warrant shall issue against said company, and be served upon any gate-keeper, or the President of said company, and said justice shall hear the case, and should he be of opinion that the complaint is not sustained by proof, shall tax the party making the affidavit with the cost; but should he determine that the complaint is sustained by the proof, he shall give judgment that the nearest gate shall be opened, and shall issue an order to the sheriff or some constable of the county, to carry into effect said judgment, and also an execution for cost, from which judgment either party may appeal to the next term of the circuit court of the county; and when said road shall have been properly repaired, the said justice of the peace, or his successor, shall, upon due proof made that said road has been properly repaired, give judgment that said gate shall be again closed and the company authorised to receive toll.

**SEC. 18. *Be it enacted,*** That the capital stock shall be forty thousand dollars, and may be increased to fifty thousand dollars.

**SEC. 19. *Be it enacted,*** That after said road shall be completed, the President and directors shall semi-annually declare and make such dividends of net profits from the tolls herein granted to the proprietors of the stock of said company, in proportion to their respective shares.

**SEC. 20. *Be it enacted,*** That the stock in said company shall be deemed personal property, and any stockholder may transfer his stock in whole or in part, by a written assignment on the books of the company, which books shall always be open to the inspection of any citizen; and said stock shall be subject to levy and sale as other personal property.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, October 31, 1853.



## CHAPTER XVI.

AN ACT to confirm and amend the charter of the Cumberland Female Seminary at McMinnville, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the trustees of Cumberland Female Seminary at McMinnville, and their successors, incorporated by the circuit court of Warren county, under the general law passed at the session of the legislature of 1849-50, authorizing the granting of charters of incorporation, be and they are hereby incorporated in the name of the "Cumberland Female College," with all the powers, privileges, rights and immunities said general law was intended to confer; and with the limits and boundaries, as regards said powers, as prescribed in said charter, except as hereinafter provided.

SEC. 2. *Be it enacted*, That the trustees and all other officers of said Institution, heretofore appointed and elected, according to the former charter and existing laws, shall have all the power and authority as such officers, which the said former charter and law conferred upon them, and which the said circuit court of Warren county had power or intended to confer, and that they shall hold their offices and exercise said powers, according to existing laws and the requirements of said charter, and that all their acts done under and by virtue of said charter and laws be and they are hereby declared in full force and validity, so far as the same can be done by this Legislature, as if they had been done under and by virtue of a charter granted by the General Assembly of the State of Tennessee.

Confirmation  
of charter.

SEC. 3. *Be it enacted*, That said charter granted by the circuit court, be so amended as that nine at a regular meeting shall constitute a quorum for the transaction of all and any business which shall come before them in regard to the affairs of said Cumberland Female College; the quorum for the ordinary transaction of business to remain as provided for in said original charter.

Quorum.

SEC. 4. *Be it further enacted*, That all real estate or other property, held by the "Macon Female Institute," in the county of Fayette, for educational purposes, shall ever remain exempt from taxation.

Macon Female  
Institute.

SEC. 5. *Be it enacted*, That said Institution shall have the right to keep a common seal; and the Faculty, with the concurrence of the board of trustees, shall have power to grant diplomas, and confer such hono-

rary degrees as are usual in the best female college in the State.

**Trustees of the First Cumberland Presbyterian Church in Memphis.**

**Sec. 6.** *Be it enacted*, That Jesse M. Tate, James M. White, Wm. B. Waldran, W. B. Greenlaw, Anthony Street and John Morgan, be and they are hereby constituted a body politic and corporate, to be known by the name of the "Trustees of the First Cumberland Presbyterian Church in Memphis," and by that name shall have perpetual succession; be capable in law to sue and be sued, plead and be impleaded in any court of law or equity in this State; to hold any property belonging to said church; receive any lot, house, or any other property, necessary for religious service, or for burying grounds, or by deed, gift, purchase, or decree, or otherwise, and hold the same for the use and benefit of the above named church; and in the event the said church or congregation be dissolved or disorganised, the right and title of the said property to be in the General Assembly of the Cumberland Presbyterian Church forever, for the use and benefit of said church and no other.

**Vacancies.**

**Sec. 7.** *Be it enacted*, That said trustees and their successors, shall have power to fill all vacancies occasioned by death or otherwise, provided said vacancies shall be filled by the appointment of members of the Cumberland Presbyterian Church; and if the trustees refuse or fail to fill vacancies, then the congregation shall fill the same; and in the event of a dissolution of the congregation as above alluded to, the General Assembly of the Cumberland Presbyterian Church shall have power to fill all vacancies.

**Exempt from debts.**

**Sec. 8.** *Be it enacted*, That the lot and Church-house in Memphis, known as the Cumberland Church, shall never be liable for any debts contracted hereafter, by the trustees, congregation, or any other person or persons.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,

*Speaker of the Senate.*

Passed, January 24th, 1854.

## CHAPTER XVII.

AN ACT to incorporate the town of Sommerville in the county of Fayette.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all that district of country contained within the following limits—viz: Beginning at a stake in the district line between the 10th and 11th surveyor's district, at the point where the north of the north marginal street of the town of Sommerville crosses said district line, running thence west 45 poles with the north side of said marginal street to a stake; thence south-west the west side of the west marginal street of the old part of the town of Sommerville, 90 poles to a stake, in the south side of the south marginal street, of the old part of the town of Somerville; thence west and south, so as to include the ground appropriated to the grave yard, and 30 feet beyond for a marginal street; thence south to a point 30 feet south of a point 36 feet west of the south-west corner of lot No. 9, in south Somerville, now owned by Jno. C. Waddell, and known as the vacant lot; thence east to a stake at a point 45 poles east of the district line; thence north, and after it comes to the old part of Sommerville with the east side of east marginal street; and thence with the line given in the deed from James Brown to the commissioners of Sommerville, recorded in the Register's office of Fayette county, in book A., page 26, and 270, (the last line being the north side of the north marginal street of Somerville, to the beginning;) is hereby enacted into one town, to be called the town of Sommerville; and that the inhabitants thereof are hereby constituted a corporation and body politic, by the name and style of the Mayor and Aldermen of the town of Sommerville, and by the same name shall have perpetual succession; shall sue and be sued, implead and be impleaded in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, with said town; and may sell, lease or dispose of the same for the benefit of said town; and may purchase, receive and hold property, real and personal beyond the limits of the town, to be used for the burial of the dead and for a hospital or poor house; and may sell, lease or dispose of such property for the benefit of the town; and do all other acts touching the same, as natural persons. They may also have and use a common seal, and change it at pleasure.

**Officers.** SEC. 2. There shall be a town council, to consist of a Mayor and six Aldermen, who shall be elected by the qualified voters of the town, and hold their offices for one year and until their successor shall be elected.

**Duties of Mayor.** SEC. 3. When two or more persons shall have an equal number of votes for the office of Mayor, the election shall be decided by a majority of the votes of the council elect; and a vacancy in the office of Mayor, created by death or resignation, shall be filled in like manner. It shall be the duty of the Mayor to preside at all meetings of the council; to take care that all the ordinances of the town are duly enforced, respected and observed within the town; to call special sessions of the council when he may deem it expedient. The Mayor and Aldermen shall take an oath of office before some justice of the peace, before entering upon the duties of the same.

**Powers of Council.** SEC. 4. The town council shall have full power and authority to appoint all officers and agents of the corporation, such as they may deem necessary and may provide by ordinances. They shall fix the compensation of all such officers and agents, and may dismiss any officer or agent of the corporation by them appointed, two-thirds of the council [concurring] in such dismissal.

**Elections.** SEC. 5. An election for Mayor and Aldermen, (under the charter.) shall be held by the Sheriff of Fayette county at the court-house in Sommerville on the first Saturday in April, 1854, and the first Saturday in January of every year thereafter. The vote shall be by ballot, and all persons entitled to vote in the State and county elections, and reside in the corporate limits of the town, shall be entitled to vote for Mayor and Aldermen; and all owners of real estate in the town and not residents therein, shall be entitled to vote in said election; and in all cases of tie in the election of an Alderman the election shall be referred back to the voters of the town, and held as before in the next succeeding ten days. Polls to open at 10 A. M., and close at 4 P. M.

**General powers.** SEC. 6. The Mayor and Aldermen shall have power, by ordinance within the town:

1st. To levy and collect taxes upon all property taxable by law for State purposes.

2nd. To levy and collect taxes upon all privileges and polls taxable by the laws of the State.

3rd. To appropriate money, and provide for the payment of the debts and expenses of the town.

4th. To make regulations to secure the general health of the inhabitants ; to prevent and remove nuisances. General powers.

5th. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair, streets, alleys, side-walks, or to have the same done.

6th. To erect, establish and keep in repair, bridges, culverts, sewers and gutters.

7th. To regulate the use of lights, stove-pipes and flues in all houses, shops, stables, kitchens, and other like places.

8th. To establish, support, and regulate night-watch and patrol.

9th. To erect market-houses, establish markets, and regulate the same.

10th. To provide for the erection of all buildings necessary for the use of the town.

11th. To provide for enclosing, improving and regulating all public grounds belonging to the town, in or out of the corporate limits.

12th. To license, tax and regulate auctioneers, grocers, merchants, retailers, brokers, coffee-houses, confectionaries, retailers of liquors, hawkers, peddlars, livery-stable keepers, and negro traders, and tavern keepers.

13th. To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.

14th. To regulate, or prohibit and suppress all disorderly houses—bawdy houses.

15th. To appoint, and regulate a police for the town; to impose fines and forfeitures and penalties, for breach of any ordinance, and to provide for their recovery and appropriation, and to appoint an officer or officers before whom such recovery may be had.

16th. To provide for arrest and confinement until trial, of all riotous and disorderly persons within the town, by day or by night; to authorize the arrest and detention of all free negroes, slaves, or other suspicious persons, found violating any ordinance of the town; to regulate the time and circumstances at and under which free negroes and slaves may be absent from their respective places of abode, and direct the punishment for the breach of such regulations.

17th. To prevent and punish by pecuniary penalties, all breaches of the peace, noise, disturbances or disorderly assemblies in any street, house, or place in the town by day or night.

General  
powers.

18th. To prevent and remove all encroachments into and upon all streets, lanes, avenues and alleys, established by law or ordinance.

19th. To remove all obstructions from the side-walks, and provide for the construction and repair of all side-walks and curbstones, and for cleaning the same, and of the gutters, at the expense of the owners of the ground fronting thereto.

20th. To pass all ordinances, not contrary to the constitution and laws of the State that may be necessary to carry out the full intent and meaning of this act, and to accomplish the object of their incorporation.

21st. There shall be a town constable who shall be elected by the Mayor and Aldermen, who shall hold his office for the period of twelve months from the date of his election, and until his successor shall be elected and qualified.

22nd. The town constable shall have power to execute all State warrants for the violation of the criminal laws of the State of Tennessee; also to execute all warrants for violation of the ordinance or charter of the town of Sommerville; also to execute all other process that a constable generally, by the laws of Tennessee can execute, and that his jurisdiction shall only extend to the limits of the town of Sommerville.

23rd. The town constable shall have power to summon any person or persons, whether residents in the town of Sommerville or no, to aid him in arresting any disorderly or riotous person or persons, against whom he has a warrant authorizing him to arrest the same, or for any offence committed in his, the constable's presence; and upon their refusal to aid him in executing the same they shall forfeit a fine of ten dollars for every refusal, to be recovered before the Recorder of the town, upon proof of the same, upon a warrant issued in the name of the Mayor and Aldermen of the town of Sommerville, against said person or persons.

24th. That for securing persons who may be arrested for violation of the charter ordinance of the town of Sommerville until the trial of the same, and for punishment of those who may be ordered to be imprisoned for any violation of the charter or ordinance of said town of Sommerville, the jail, or common prison-house of the county of Fayette shall be used for that purpose, and the jailer shall be required to take charge of the same as other prisoners, and be entitled to the same fees.

25th. There shall be a town Recorder, who shall be appointed by the Mayor by and with the advice and consent of the board of aldermen, who shall have exclusive original jurisdiction of all offences arising under any violation of the provisions of this charter, or breach of any ordinance of the town, and shall have concurrent jurisdiction with the justices of the peace of the county of Fayette, in all cases arising from a violation of the laws of Tennessee, within the limits of the town. He shall hold his office for one year, and until his successor is duly qualified, and shall receive such fees as may be prescribed by ordinance. Recorder.

26th. That the Recorder of the town of Sommerville shall have and may exercise concurrent jurisdiction within the corporate limits of said town, with justices of the peace in all cases arising from a violation of the laws of the State of Tennessee within the limits of said town; and shall have exclusive jurisdiction of all cases arising within the corporate limits of the said town of Sommerville, from a violation of any of the ordinances, by-laws or regulations of the said town, unless otherwise authorized or ordered by the Mayor of said town, in special cases, or in the absence of the Recorder; in which case any justice of the peace of the town may try any offender against the by-laws, ordinances and regulations of the town.

27th. This charter is declared to be a public act, and may be read in all courts of law and equity in this State without proof, and shall go into effect upon its passage.

28th. All provisions in any law contrary to or inconsistent with the provisions of this charter are hereby repealed.

SEC. 29. *Be it further enacted*, That the town of Lagrange, in the county of Fayette, be, and the same is hereby incorporated, with all the rights, powers and privileges as are conferred by this act upon the town of Sommerville; and that the election of officers of said town shall be held by the constable of the district of said county in which said town is situated, on the first Saturday in April, 1854, and on the first Saturday in January of every year thereafter. Lagrange incorporated.

SEC. 30. *Be it enacted*, That the following be the limits of the town of Lagrange: Beginning at the south-west corner of lot No. 50, as laid down on the plan of said town; thence along the south and west margin of the Sommerville road to a point opposite the north-west cor- Boundaries.

ner of Robert Locke's land, upon which he now resides; thence east to the north-west corner of lot No. 6, on the plan of said town; thence north, to a street or road, which street or road is the south line of a lot of land belonging to Sidney Madison; thence east along said street or road which runs between Mrs. E. N. Shaw's residence, and a house built by Capt. Thomas Booth, known as the Holcombe place, to a point opposite the eastern margin of said town as originally incorporated; thence south to the original boundary line; thence west along said line to a point due south from the beginning; thence due north to the beginning; and that all laws which come in conflict with this act, so far as it relates to the town of Lagrange, be, and the same are hereby repealed.

**Durhamville**  
**incorporated.** SEC. 31. *Be it further enacted*, That the town of Durhamville, in the county of Lauderdale, be, and the same is hereby incorporated with all the rights, privileges and powers as are conferred by this act upon the town of Sommerville, and that the election of officers of said town shall be held by the constable of the district of said county in which said town is situated, on the first Monday in April, 1854; and if the officer directed to hold said election shall fail to do so on the day named in this act, shall proceed by giving the proper notice in writing, to appoint another day as early as practicable, to hold said election; and forever afterwards said election shall be held annually upon the first Tuesday in January of each year.

SEC. 32. *Be it enacted*, That the limits of said town shall be the same as have been heretofore provided by an act of the Legislature.

SEC. 33. *Be it enacted*, That all laws which come in conflict with this act so far as relates to the town of Durhamville, be, and the same are hereby repealed.

**Raleigh in-**  
**corporated.** SEC. 34. *Be it further enacted*, That the town of Raleigh, in the county of Shelby, be, and the same is hereby incorporated, with all the rights, privileges and powers as are conferred by this act upon the town of Sommerville; and that the election of officers of said town shall be held by the constable of the district of said county in which said town is situated, on the first Monday in April, 1854; and forever afterwards said election shall be held annually upon the first Monday in January of each year; and that the limits of said town shall be the same as have been heretofore pro-



vided by an act of the Legislature, All laws coming in conflict with this are hereby repealed.

WM H. WISENER,  
*Speaker of the House of Representatives,*  
 EDWIN POLK,

*Speaker of the Senate.*

Passed, January 24, 1854.

## CHAPTER XVIII.

AN ACT to incorporate the Nashville Hotel Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Russel Houston, D. T. Scott, W. T. Berry, Dr. R. C. Foster and W. F. Cooper be, and they are hereby appointed commissioners to open books for subscription for stock in the company incorporated by this act. Any three of these commissioners may open books at such time as they, in their discretion may see proper, and may keep them open until at least seventy-five thousand dollars of the capital stock is subscribed.

SEC. 2. *Be it further enacted,* That the subscribers to the said capital stock, and such other persons as may become share-holders of said stock, and their successors, be and they are hereby constituted a body corporate and politic, by the name and style of the Nashville Hotel Company, with succession, and all the usual powers of a corporation.

SEC. 3. *Be it enacted,* That the capital stock of said Company, shall be the sum of one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each; but the amount of such capital stock may, from time to time, as the directors of the company may think expedient, be increased to any sum not exceeding three hundred thousand dollars. Capital stock.

SEC. 4. *Be it further enacted,* That the subscribers and holders of stock may at any time after seventy-five thousand dollars of the capital stock shall have been subscribed, be called together by a majority of the commissioners, by notice in some newspaper published at Nashville, and organize by the election of any number of directors not exceeding seven, who shall have power to elect a President of their own body, and con- Organization.

tinue in office until the first Monday in may thereafter and until their successors are elected. The first Monday in May of each year shall be set apart for the general meeting of the members and the election of officers, who shall hold their office for one year and until their successors are elected. The President and directors shall have power to pass all by-laws necessary for the government of said corporation, to appoint a Secretary, Treasurer, or other officers, from whom they may require bond and security for the performance of their duties; fill all vacancies in their own board, or in the offices created by them. A majority of the directors shall constitute a quorum to do business, and in the absence of the President, the board may appoint a President *pro tem.*, who shall for the time have all the powers and privileges of the President. The board of directors shall have power to meet on their own adjournment, or at any time upon call of the President, or any three of the directors. They may also call a meeting of the stockholders if necessary, or when required in writing by a majority of such stockholders. In the election of directors each stockholder shall be entitled to one vote for every share of capital stock held by him, and the persons receiving the highest number of votes shall be considered elected.

**Powers.** SEC. 5. *Be it enacted*, That it is the intent of this act of incorporation, to empower said company to erect in the city of Nashville, a public Hotel and such other buildings, convenient and appurtenant thereto, as would be likely, in the opinion of the directors, to promote the prosperity of the company, including stores or rooms in the hotel buildings, or on the hotel lot, for rent; and to that end, the said board of directors shall have power to purchase suitable grounds for the site of said hotel, and other buildings; to determine what buildings and improvements shall be erected on said site; to prescribe the plan thereof; to contract for the construction; to give name to said hotel; to lease the same; collect rents, and make repairs. *Provided*, however, and *be it further enacted*, That the said board of directors shall not have power to bind any stockholder beyond the amount of his stock, and the issue and profits of the investment.

**Forfeiture of stock.** SEC. 6. *Be it further enacted*, That the board of directors shall have power to make calls upon the stock subscribed, at such times as they see proper; no call to exceed twenty-five per cent on the amount subscribed, nor to be made oftener than once in every three months.

And if any share-holder shall fail to pay any call within thirty days from the time the same is required to be paid, the directors may sue him at law in the name of the company, or at their election cause the stock of such delinquent to be forfeited. If suit is instituted and judgment obtained, the stock of the defendant in the company may be levied on and sold by execution issued thereon, and the purchasers shall hold the same with all the incidents and privileges thereto attached in the hands of the original holder.

SEC. 7. *Be it further enacted*, That no share of said stock shall be transferable, without the assent of the board of directors unless the same has been fully paid up. To entitle the assignee or holder to vote or receive dividends, the transfer must be entered on the books of the company. Transfer of stock.

SEC. 8. *Be it further enacted*, That it shall be the duty of the directors, to make and declare dividends out of the net profits of the company among the stockholders, in proportion to the amount of stock held by each, at such time as they may deem advisable.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed November 23, 1853.

## CHAPTER XIX.

AN ACT to charter the Memphis Female College, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wiley B. Miller, James M. Williamson, Jesse M. Tate, C. G. McPherson and John M. Patrick, and their successors, be, and they are hereby constituted a body corporate, by the name and style of the Memphis Female College, with perpetual succession.

SEC. 2. *Be it enacted*, That the persons so incorporated and their successors, shall have power to receive subscriptions to the stock of said corporation, to the amount of fifty thousand dollars, in shares of one hundred dollars each; and they shall also have power to hold real and personal estate, by purchase, gift, deed or devise, and sell or exchange the same as shall be de-

manded by the interest of said college. They shall also have power to sue and be sued, plead and be impleaded, either in courts of law or equity. They may use a common seal; and through the officers and professors of said college, may confer such degrees and grant such diplomas as are usually granted and conferred in female colleges.

SEC. 3. *Be it enacted*, That said corporation may, when in their opinion the interests of the college may require it, have power to increase the capital stock thereof to one hundred thousand dollars.

Exempt from  
taxes.

SEC. 4. *Be it enacted*, That such real and personal estate as may be owned and used by said corporation for collegiate purposes, shall be exempt from State, county, or corporation taxation.

SEC. 5. *Be it enacted*, That in the management of said college, or the personal or real estate pertaining thereto, each stockholder shall be entitled to cast one vote for each share of stock which he may own, and the votes may be given either in person or by proxy.

Transfer.

SEC. 6. *Be it enacted*, That the shares of stock taken in this corporation shall be transferrable under such rules and restrictions as shall be prescribed by the stockholders.

SEC. 7. *Be it enacted*, That for the purpose of founding said college, and endowing its professorships, and managing the real and personal estate thereof, said corporators and their successors shall have all the powers, rights and privileges incident to such corporations; and may act either by themselves, or by agents, trustees or committees appointed by them.

Mifflin Male  
and Female  
Academy.

SEC. 8. *Be it further enacted*, That there shall be established at or near Mifflin, in the county of Henderson, and State of Tennessee, an institution of learning, having a corporate existence, under the name and style of the Trustees of the Mifflin Male and Female Academy.

Trustees.

SEC. 9. *Be it enacted*, That said institution shall be governed by five trustees, who, and their successors, shall constitute a body politic and corporate, a majority of whom shall make a quorum for the transaction of business. The first board shall consist of Rev. James Beaver, Dr. Robert Hardin, Rev. B. Medlin, O. F. Hendrick and Jno. West. All vacancies that may occur in their body shall be filled by the board and entered on the minutes. They may elect from their own body a President, and have the power to appoint a Secretary and Treasurer, who shall hold their offices during the pleasure of the board.

**SEC. 10.** *Be it further enacted,* That said board of trustees shall have power to employ all necessary teachers and lecturers, and fix the rate of tuition, prescribe the course of study and discipline to be observed; and to make all necessary rules and regulations in said seminary; to elect six persons to be called the board of visitors of said seminary, who shall have a joint vote with themselves in determining the course of study and discipline to be observed; and said trustees shall also have power to select and appoint a principal and such teachers and such other officers as said trustees shall deem meet, all of whom shall hold their offices during the pleasure of the said trustees. The trustees shall have power to hold real and personal estate by purchase, gift, or devise, and sell or exchange the same as the interest of the institution may require; to sue and be sued, and have a corporate seal; to confer, if they think proper, in conjunction with the teachers, such literary degrees and diplomas as are usual in male and female academies; and enjoy all other powers and privileges that are incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations relative to said academy.

General powers.

**SEC. 11.** *Be it enacted,* That the said trustees shall have power to receive subscription of stock for said institution in such sums and upon such terms as they shall, in their by-laws designate and prescribe; and the property and assets of the institution shall be governed by the board of trustees, under such by-laws and regulations as they may from time to time, establish; and the present board shall prescribe in their by-laws, the mode and manner of the election of trustees annually; *provided*, the number shall be neither more nor less than five. The new board, when elected, shall have the same powers herein granted to the present board.

**SEC. 12.** *Be it enacted,* That in the conveyance of real estate, or the transfer of claims or other assets, the name of the President of the board shall be sufficient by order of said board, in each case.

**SEC. 13.** *Be it enacted,* That Wm. J. Hart, Wm. C. Tucker, B. F. Dickinson, C. W. Cooper and J. C. Cowthorn and their successors, are hereby constituted a body politic and corporate, by the name and style of the Mifflin Library Association, who shall have power to open books for the subscription of stock; appoint a Librarian; to make by-laws, rules and regulations for the government of the same; fill all vacancies that may occur by death, resignation, or otherwise, and have

Mifflin Library Association.

such powers as are usual to manage the affairs of the association, as they may think best.

Savannah Library Association.

SEC. 14. *Be it enacted*, That G. F. Benton, G. D. Morrow, Elias W. Porter, A. G. McDougal, W. H. Cherry, and F. H. Moody, and their successors, be, and they are hereby constituted a body politic and corporate by the name and style of the Savannah Library Association, who shall have power to open books for the subscription of stock; to make by-laws, rules and regulations for the government of the same; appoint a Librarian, Treasurer, and such other officers as they may deem proper; fill all vacancies that may occur by death, resignation, or otherwise; sue and be sued; use a separate seal, which they may alter at pleasure, and may have such other powers as are usually conferred, to manage the affairs of the same, as they may think best.

Liberty Fire Engine and Hose Co., No. 3, of Memphis.

SEC. 15. *Be it further enacted*, That hereafter the Liberty Fire Engine and Hose Company No. 3, of the city of Memphis, may consist of one hundred and fifty members.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 1, 1854.

## CHAPTER XX.

AN ACT to charter the Cherokee Mining Company of Tennessee, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Hickok, Chauncey Bush, Lyman Denison, Fulton Cutting, Charles Congdon, Lynian W. Gilbert, Samuel Congdon, and John Caldwell, are hereby constituted a body politic and corporate under the name and style of the "Cherokee Mining Company of Tennessee," for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors, for the period of ninety-nine years, with power to make and use a common seal, and to alter or change the same at pleasure; make such by laws

not inconsistent with the laws of this State and of the laws of the United States, as it may deem proper and necessary for its government in its corporate name; to sue and be sued; to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *provided*, always, that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

SEC. 2. *Be it enacted*, That the capital stock of said company shall not be less than two hundred thousand dollars, and not more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the incorporators at their first meeting under this act. Nothing but money or mineral property, shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe; the shares shall be considered personal property, and shall be transferred only on the books of the company, in person or by attorney. Capital stock.

SEC. 3. *Be it enacted*, That the incorporators named in the first section of this act shall be the directors for the first year, and until others are elected in their stead. The annual meeting of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby; but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number President, and shall appoint such other officers and agents as they may deem proper, and affix their salaries. Annual Meetings.

SEC. 4. *Be it enacted*, That all the stockholders not having paid their stock according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be liable individually, for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company Dividends.

shall be unable to pay the debts due by it. To avoid such liability on his part, the dissenting director shall enter or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record or cause to be recorded, his dissent thereto within thirty days after such dividend shall have been authorized.

**Debts.**

SEC. 5. *Be it enacted*, That the said company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from the business of the company, without the consent of three-fourths in interest of the stockholders.

**Isabella Copper Company.**

SEC. 6. That Isaac Otis, Henry Adams, William Hickok, Alexander Hamilton, John Stanton, and Lyman W. Gilbert are hereby constituted a body politic and corporate by the name and style of the "Isabella Copper Company," for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors; for the period of ninety-nine years, with power to make and use a common seal, and to alter or change the same at pleasure; to make such by-laws, not inconsistent with the laws of this State and of the United States, as it may deem useful and necessary for its government in its corporate name; to sue and be sued; to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *provided*, always, that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

**Capital stock.**

SEC. 7. *Be it enacted*, That the capital stock of said company shall not be less than two hundred thousand dollars, and not more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares shall be fixed and agreed upon by the incorporators, at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company in person or by attorney.



**SEC. 8.** *Be it enacted,* That the corporators named in the first section of this act shall be the directors for the first year, and until others are elected in their stead. **Annual Meetings.** The annual meeting of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby; but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number President, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

**SEC. 9.** *Be it enacted,* That all stockholders not having paid for their stock according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be individually liable for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. **Dividends.** To avoid such liability on his part, the dissenting director shall enter, or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record, or cause to be recorded his dissent thereto, within thirty days after such dividend shall have been authorized.

**SEC. 10.** *Be it enacted,* That the said company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from the business of the company, without the consent of three-fourths in interest of the stockholders. **Debts.**

**SEC. 11.** *Be it enacted,* That William Hickok, F. W. Allen and Lyman W. Gilbert, are hereby constituted a body politic and corporate, by the name and style of the "McCulloch and Glenn Copper Company," for the purpose of exploring and mining for copper and other ores and minerals; and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors, for the period of ninety-nine years, with power to make and use a common seal, and the same to alter or change at pleasure; to make such by-laws not inconsistent with the laws of this **McCulloch and Glenn Copper Company.**

State, and of the United States, as it may deem useful and necessary for its government in its corporate name; to sue and be sued; to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *provided*, always, that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

**Capital stock.** SEC. 12. *Be it enacted*, That the capital stock of said company shall not be less than two hundred thousand dollars, and not more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares shall be fixed and agreed upon by the corporators at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company, in person or by attorney.

**Annual Meetings.** SEC. 13. *Be it enacted*, That the corporators named in the first section of this act, shall be directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year; but in case of a failure to elect a board of directors, the charter of this company shall not be forfeited thereby; but the directors of the previous year shall continue in office until others are elected in their stead. The Directors shall appoint one of their number President, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

**Dividends.** SEC. 14. *Be it enacted*, That all stockholders not having paid for their stock according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be individually liable for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all debts due by it. To

avoid such liability on his part, the dissenting director shall enter, or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

Sec. 15. *Be it enacted*, That whenever said company shall by purchase, lease, or otherwise, become possessed of any mine, mines or mineral rights without the limits of the State, the directors may make a distinct interest of such mine or mines, and divide it into such number of shares as they may deem expedient, the whole amount of capital stock in all its mines, not exceeding the largest amount named in this act. Property without the limits of the State.

Sec. 16. *Be it enacted*, That the said company shall not contract any debts over and above the amount of capital stock paid in; no part of which shall be withdrawn, or in any manner diverted from the business of the company, without the consent of three-fourths in interest of the stockholders. Capital not to be withdrawn.

Sec. 17. *Be it enacted*, That Samuel Leeds, Samuel Congdon, Thomas H. Caloway, J. F. Newberry, Henry Young, and Charles A. Proctor, are hereby constituted a body politic and corporate, under the name of the United States Copper Company of Tennessee, for the purpose of exploring and Mining for copper and other minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors for the period of ninety-nine years, with power to make and use a common seal, to alter or change at pleasure the same; to make such by-laws not inconsistent with the laws of this State or of the United States, as may be deemed useful and necessary for its government in its corporate name; to sue and be sued; plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *provided*, always, that the first cost of such real estate shall not exceed the maximum amount of capital stock hereinafter provided for. United States Copper Co. of Tennessee.

Sec. 18. *Be it enacted*, That the capital stock of said company shall not be less than two hundred thousand dollars, nor more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the corpora- Capital stock.

tors at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock; that to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company, in person or by attorney.

Annual Meetings.

SEC. 19. *Be it enacted*, That the incorporators named in the first section of this act shall be the directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting, a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors the charter of the company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number President, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

Dividends.

SEC. 20. *Be it enacted*, That all stockholders not having paid their stock according to the terms of subscription, shall be individually liable to the creditors of the company, to the amount so remaining unpaid, and in like manner shall the directors be individually liable for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter, or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

Capital not to be withdrawn.

SEC. 21. *Be it enacted*, That the said company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from the business of the company, without the consent of three-fourths in interest of the stockholders.

Mary's Copper Company.

SEC. 22. *Be it enacted*, That Samuel Congdon, Lyman W. Gilbert, Wm. Hickok and Charles Congdon, are hereby constituted a body politic and corporate, under the name and style of the "Mary's Copper Company."

for the purpose of exploring and Mining for copper and other minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors for the period of ninety-nine years, with power to make and use a common seal, to alter or change at pleasure the same; to make such by-laws not inconsistent with the laws of this State and of the United States, as it may deem proper and necessary for its government in its corporate name; to sue and be sued; plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *provided*, always, that the first cost of such real estate shall not exceed the maximum amount of capital stock hereinafter provided for.

Sec. 23. *Be it enacted*, That the capital stock of said company shall not be less than two hundred thousand dollars, nor more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the corporators at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company, in person or by attorney. Capital stock.

Sec. 24. *Be it enacted*, That the corporators named in the first section of this act shall be the directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting, a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors the charter of the company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number President, and shall appoint such other officers and agents as they may deem proper, and affix their salaries. Annual Meetings.

**Dividends.** SEC. 25. *Be it enacted,* That all stockholders not having paid their stock according to the terms of subscription, shall be individually liable to the creditors of the company, to the amount so remaining unpaid, and in like manner shall the directors be individually liable for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter, or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

**Capital not to be withdrawn.** SEC. 26. *Be it enacted,* That the said company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from the business of the company, without the consent of three-fourths in interest of the stockholders.

**Tennessee Mining Co.** SEC. 27. *Be it further enacted,* That the charter of the Tennessee Mining Company be so amended as to allow five directors to said company, instead of three, as now provided by said charter.

**Ocoee Mining Company.** SEC. 28. *Be it further enacted,* That the charter of the Ocoee Mining Company be so amended as to allow five directors to said company, instead of three, as now provided by said charter.

SEC. 29. *Be it also enacted,* That said charter be further amended, so as to allow the directors of said Ocoee Mining Company to increase the capital stock of said company, from five hundred thousand dollars, to the sum of ten hundred thousand dollars; and that said directors shall have the power to increase the capital stock of the branches of said company, from two hundred thousand dollars to five hundred thousand dollars.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 26, 1854.

## CHAPTER XXI.

AN ACT better to secure the rights of tobacco planters, and to prevent fraud in the inspections and sale of tobacco, and to simplify the tobacco inspection laws.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, Every keeper or proprietor of a warehouse, for the storage and deposit of tobacco for sale by inspection or sample, shall annually obtain from the clerk of the county court of the county in which said warehouse is situated, a tobacco warehouse license for the storage and sale of tobacco by sample, for which he shall pay said clerk, for the use of said county, \$20; and the further sum of \$1 50, to said clerk, for taking bond and issuing such license.

SEC. 2. That every person or persons applying for such license, shall be required to prove by the testimony of at least two impartial and disinterested witnesses, known to the clerk before whom they may appear, to be well qualified from their knowledge and experience, to be competent judges of the matter, that he or they are the keepers or proprietors of a good and sufficient warehouse, situated so as to be exposed to no extraordinary danger from fire, and furnished besides with all the implements necessary to the accurate weight and inspection of tobacco; such as, a good and sufficient screw, blocks, tacks, weights and scales, proper marking irons, &c., &c.

Preparatory  
steps to taking  
license.

SEC. 3. Such warehouse keepers or proprietors, before obtaining such license, shall enter into bond with one or more good securities, in the sum of \$2,000, that they will keep their warehouses in good condition and repair, so as to protect tobacco deposited or stored with them from injury, and keep it secure from the effects of bad weather; and that they will comply with and perform the duties imposed upon them by this act; and every person injured by the failure of such warehouse keeper to comply with the terms of such bond, and the duties imposed upon them by this act, may sue and recover the same on said bond in the name of the State, for their use, or may recover in *indebitatus assumpsit*.

Bond.

SEC. 4. The warehouses licensed by this act shall also be fitted up with plank floors or skids, and the tobacco shall be placed upon such floor or skids, so that the hogsheads shall be at least four inches from the earth, so as to secure them from the effects of damp.

Style of ware-  
house.

SEC. 5. If any such warehouse keeper or proprietor, after he or they have obtained such license, wish to dis-

pose of the proprietorship of such warehouse for the remaining portion of the year for which such license was issued, he shall appear before said clerk of such county court, and transfer the same in his presence, and such transferee shall give bond and security for the balance of the term, conditioned as provided in the third section of this act.

**Penalty.** SEC. 6. No warehouse keeper shall sell tobacco by sample publicly, without having the same inspected by the said board of inspectors, or some one of them, under a penalty of five dollars for each hogshead so sold.

County court  
to appoint in-  
spectors.

SEC. 7. The county court of each county in the State shall biennially appoint for each county having one or more such licensed warehouses, a board of tobacco inspectors, consisting of three competent judges of tobacco, citizens of such county, (who shall in no way be interested in the sale or purchase of tobacco,) who shall have an office in the county-town or principal tobacco mart of the county, and some one of said inspectors shall attend at said office every day during the inspection season, (except on regular inspection days, when all are on attendance,) so as to be ready to inspect tobacco whenever called on; and if such inspector or inspectors engage in buying or selling tobacco other than their own raising, such inspector shall be liable to indictment for a misdemeanor, and punished by a fine not exceeding \$50, or less than five, for each offence.

SEC. 8. At least one month, and not exceeding two months before the term of office of any inspector already appointed or elected, shall expire, the county court shall appoint their successors for such county, consisting as aforesaid, of three persons, who shall give bond and qualify at the first term of the county court after such expiration of their predecessor's term. The old board to continue in office till the new board shall be qualified according to law. *Provided*, that if such new appointment shall not be made as above specified, the Governor may make said appointments as soon thereafter as practicable, and the new board shall give bond and be qualified at the next term of the county court after receiving their commissions; and in case of a vacancy in such board from any cause, the Governor shall appoint a successor for the unexpired term.

Inspectors to  
give bond.

SEC. 9. That said inspectors, before entering upon the discharge of the duties of inspector, shall, before the county court, enter into bond with two or more good securities approved by the court, in the penal sum of from \$2,000 to \$10,000, at the discretion of the court;



said bond to be made payable to the State, with conditions, that he will diligently and carefully uncase and break, or cause to be done in his presence, view and examine all tobacco brought to the licensed warehouses of such county, which he shall be called upon to view and inspect at such warehouses, and that he will in all things discharge the duties of inspector according to law, which bond shall be recorded in said office, and a copy duly certified shall be as sufficient in law or equity as evidence to maintain an action of debt or covenant for any breach of the conditions of said bond, as if the original bond was produced to the court. And any person damaged or injured by a failure of said inspectors to comply with the conditions of such bond, and to perform the duties of inspector according to law, may sue and recover upon said bond in the name of the State for their use, before any court having jurisdiction thereof.

SEC. 10. Every inspector, before he acts as such, shall take the following oath or affirmation of office: "I, (A B,) appointed inspector for the county of (——), do solemnly swear (or truly affirm) that I will diligently and carefully uncase, break, or cause the same to be done in my presence, and will examine all tobacco which I shall be called upon to inspect and view at the licensed warehouses in said county; and that I will not pass any tobacco in the first class, "admitted," which is not, in my judgment, sound, clean, in good keeping order and condition, and clear of lugs or trash; and that I will inspect, pass upon and mark all tobacco which I may be called upon to inspect, according to law, and according to my very best judgment as to soundness, condition, and order of the tobacco; and that I will perform the duties imposed upon me by the laws of Tennessee as tobacco inspector, according to the best of my skill and ability, without affection, favor, fear, prejudice or partiality—so help me God." Which oath or affirmation he shall make upon entering upon the discharge of the duties imposed by this act. Official oath.

SEC. 11. It shall be the duty of the warehouse keepers or proprietors, licensed under this act, to keep his or her warehouse in good repair; to provide plank floors, or skids, upon which to place the hogsheads of tobacco, so that said hogsheads may be at least four inches from the earth; and for a failure to keep such house in good repair, according to the provisions of this act, they shall forfeit and pay the sum of \$200 to the State, and shall be liable on their bond, or in indebitatus assump- Style of warehouse.

sit, to an action for damages sustained by any owner of tobacco, on account of said warehouse being out of repair, and not fitted up according to the provisions of this act; and it shall be the duty of the inspectors to give information to the county clerk of said county, of any licensed warehouse in his county which may be out of such repair, and not fitted up as required by this act; and if any such inspector, knowing any such warehouse to be out of repair, and fail to give information to the said clerk, he shall forfeit to the State \$100, to be recovered on his bond in the name and for the use of the State, before any justice of the peace,

Inspectors to inform clerk.

Proprietor of warehouse not to purchase.

SEC. 12. That the proprietors or keepers of warehouses, their agents, or those in their employ, shall neither directly or indirectly purchase or sell on their own account, tobacco that may be stored with them, under a penalty of \$50 for each hogshead so purchased or sold, to be recovered in the name and for the use of the State, before any justice of the peace.

Duty of warehouse proprietor.

SEC. 13. The warehouse proprietor shall cause each hogshead to be placed in a proper position for inspection; shall uncask, cooper and weigh the same, under the superintendence of the inspectors, or one of them, and shall turn the same out after sale, coopering, weighing, &c., on demand of the owner, in good shipping order, on presentation to him of the warehouse receipt, or other satisfactory evidence of ownership.

Duty of warehouse keeper.

SEC. 14. That the keepers of warehouses shall be constant and prompt in their attendance at the warehouses for the reception and storing of tobacco, and shall promptly deliver tobacco to the persons entitled thereto, and safely keep the samples in the warehouse for the inspection of purchasers or others, in close, tight chests, preserving said samples from exposure, which chests shall be secured by locks and keys.

Penalty for disposing of samples.

SEC. 15. That no warehouse keeper or inspector, nor any one in their employ, shall take or convert to his own use, or otherwise dispose of any drafts or samples of tobacco, drawn out of any hogshead, or which may have fallen out, but the samples shall be delivered to the purchaser, and any other loose tobacco shall be replaced in the hogshead before coopering and weighing, and any person violating this section of this act, shall forfeit to the State \$50 for each offence, one half to be paid to the informer.

SEC. 16. It shall be the duty of the inspectors to superintend the uncasing and breaking every hogshead of tobacco which they may be called on to inspect,

which he shall break, or cause to be broken in at least four different places, and drawn from each break at least four bundles or hands of tobacco, drawing from different courses or layers, so as to get a fair representation of the quality and condition of the tobacco, and they shall place said hands or bundles altogether in a sample, tie it together securely, and mark it with the planter's name, the warehouse, No. inspection mark, or No. and date of inspection; all of which shall be done in ink.

**SEC. 17.** All tobacco shall be weighed after inspection and cooperage, with the gross, tare and net weight marked on each hogshead by the inspectors, or one of them.

**SEC. 18.** The inspectors, or some of them, shall specially superintend the coopering and weighing, and shall mark said hogsheads on their sides and heads; and the said inspectors shall be responsible on their bonds to the planter and purchaser, for correct weights, until the tobacco is delivered over to, and received by the warehouse keeper, and they shall see that each cask is replaced over the same tobacco from which it was taken, and they shall mark the weights with marking irons; *provided*, that whenever any damages are recovered against the inspectors for a failure to perform their duties, the inspector through whose neglect the damage occurred, shall be liable to his co-inspectors for the same.

Inspectors responsible for correct weights

**SEC. 19.** That the inspectors shall carefully enter into a book, to be provided and kept for that purpose alone, for each warehouse, an account of every hogshead of tobacco inspected or viewed by them; which account shall state the quality of every such hogshead of tobacco, its mark, with its gross tare and nett weight, and also the name of the planter and purchaser, and inspection and warehouse No.

To keep account of inspection.

**SEC. 20.** It shall be the express duty of the inspectors to condemn all hogsheads or casks that are insecure, or made of green or unsound timber, and mark upon the label of the sample, "cask condemned," and they, or one of them, shall give to the warehouse keeper, a certificate of condemnation; and if the tobacco is offered at public sale, the warehouse keeper shall immediately purchase a good cask, at the expense of the planter or person whose tobacco is offered for sale, so that said tobacco may be placed in good shipping order; and if said inspectors fail to condemn such insecure casks they shall be liable to the purchaser for

To condemn insecure hogsheads.

any damages sustained in consequence of such cask being insecure, unsound or made of green timber.

Inspectors to  
condemn dam-  
aged tobacco.

Sec. 21. When a hogshead of tobacco is so damaged that the sample drawn will not show the character and extent of the damage, the inspector shall refuse to classify such hogshead, but shall mark the same "damaged," and shall give a sample, expressing on the label the probable extent of the damage. If it be apparent on the inspection of a hogshead of tobacco that it is falsely or fraudulently packed, such hogshead shall be marked, "condemned," and the inspectors shall refuse to classify the same or give any sample thereof, and it shall be at the disposal of the owner or his agent, subject to the regular charge for inspection, cooperage, &c.

Sec. 22. When the inspectors are called upon to reinspect a lot of tobacco, they shall make a copy of the original sample card, and shall write on it in plain letters, "reinspected," and shall give the date of same.

Sec. 23. In case of the sickness of one or more of the board of tobacco inspectors, they may appoint a deputy to act in the stead of such sick inspector, for whose acts they shall be responsible.

Sec. 24. It shall be the duty of the inspectors to inform the clerk of the county court of any dereliction of duty on the part of the warehouse keepers.

Sec. 25. After the tobacco is delivered over to, and received by the warehouse keepers from the inspectors, after inspection, cooperage, weighing, &c., the warehouse keepers shall be responsible to the owner for weights, and a proper keeping of the tobacco.

Inspectors not  
to purchase.

Sec. 26. That no inspector shall directly or indirectly, during his continuance in office, buy or receive tobacco by way of loan, barter or exchange, or in any way intermeddle with or busy himself in procuring tobacco to be stored at any particular warehouse, or to be sold to any particular person, (except it be his own tobacco,) under a penalty of \$25 for each offence, to be recovered before a justice of the peace in the name and for the use of the State.

Sec. 27. No inspector shall inspect or sample tobacco other than at a licensed warehouse, under a penalty of ten dollars for each hogshead so inspected or sampled, and they shall be liable to an indictment for a misdemeanor therefor.

Misdemeanor  
to alter mark,  
&c.

Sec. 28. That if any person shall erase or in any wise alter or deface any letter, mark, No. or figure set upon any hogshead by any inspector, or if any person shall counterfeit the same previous to the delivery to the pur-

chaser, they shall be deemed guilty of a misdemeanor, and upon conviction by indictment, shall be punished accordingly.

Sec. 29. If any inspector shall accept or receive directly or indirectly, any gratuity or reward for any thing by him done under this act he shall forfeit the sum of \$200 to the State, and be liable to indictment also for a misdemeanor, and upon conviction be fined accordingly, and shall forfeit his office and be forever after disqualified from holding the office of tobacco inspector.

Penalty for receiving gratuity.

Sec. 30. That the judges of the several courts in this State shall give this act in charge to the grand juries at each term of the court of the county in which a tobacco inspection is re-established.

Sec. 31. There shall be two classes of tobacco: "admitted" and "refused." The inspectors shall class as "admitted," all tobacco which is sound, well assorted, well cured, clear of lugs or trash, and in good keeping order; and such as is too soft or high in case, and not well cured and sound, and in good keeping order, they shall class as "refused."

Classification.

Sec. 32. All prosecutions of suits under this act, for penalties in the name and for the use of the State, shall be attended to by the clerk of the county court of the county in which the violations of this act took place, for which he shall receive as commission, 10 per cent on all sums collected and paid over to the State Treasurer; and said clerk shall be a competent witness in any such prosecution; and if said clerk should deem it necessary, he shall call on the Attorney General of the district, who shall prosecute, and for each successful prosecution he shall be allowed \$10, to be taxed in the bill of costs.

Clerk of county to attend prosecutions.

Sec. 33. It shall be the duty of the inspectors to keep posted up in some conspicuous places in the licensed warehouses of their county, a description of the hogsheads or casks, length, measurement, &c., best suited for the putting up tobacco for the market.

Sec. 34. The tobacco commercial year shall commence and end on the 1st day of January.

Sec. 35. The compensation to the board of inspectors shall be:

Fees.

For each hoghead inspected, 50 cents.  
To warehouse keepers,

For stripping, coopering and weighing, 75 "  
For selling, rendering account of sales, collecting the money and paying same over, not exceeding 2½ per cent on the proceeds, to be paid by the party whose tobacco is sold.

To warehouse keepers for storage, per hhd., 50 cents.  
to be paid by the purchaser.

**Sec. 36.** If the inspectors or warehouse keepers exceed their charges they shall be liable to indictment for a misdemeanor for each offence, and liable to a penalty of \$10 to the person overcharged, to be recovered before any justice of the peace; *provided*, that the parties may make contracts for a smaller compensation than allowed by law to be received.

**Sec. 37.** Nothing contained in this act shall prevent a person from selling his tobacco at private sale if he should choose to do so. Nothing contained in this act shall compel a person storing his tobacco at a licensed warehouse to have the same inspected, but he may sell or ship it without inspection.

**Sec. 38.** Nothing contained in this act shall prevent any person establishing a private warehouse for the storage of tobacco.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 8, 1854.

## CHAPTER XXII.

AN ACT to dispose of any vacant lands in the Ocoee District.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all, or any of the vacant lands in the Ocoee District may be entered by a general entry in the Entry Taker's office in the said district at Cleveland, whether the same be designated on the map of said district or not. If the lands entered under the provisions of this act be designated on the map. they may be entered on the terms of paying the fees of officers, as heretofore provided; but if they do not appear on the map, the enterer shall present to the Entry Taker, an entry, in writing, designating the beginning of the entry, and the prominent points or established lines, giving as near as may be the boundary, which the Entry Taker shall record and preserve, and furnish a copy to the enterer, who shall pay the usual fees for said service. And the surveyor of said district, or the surveyor

of the county in which the lands so entered may lie, shall survey the same and make thereof a plot and certificate, from which the Register of said district shall issue a grant to the claimant.

SEC. 2. *Be it enacted*, That the fees of the Surveyor and Register shall be such as are usual for similar services; and that any quantity or fraction of land in a body, may be covered by one entry grant. Fees.

SEC. 3. *Be it enacted*, That this act shall be in power from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 25, 1854.

## CHAPTER XXIII.

AN ACT to incorporate the Memphis Building and Loan Association Company, and the Nashville Building Association.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an association, which shall be a mutual benefit and stock company, having for its object to assist the members thereof to become their own land, lands, or the owners of such real estate as they may need, instead of being the mere renters thereof, is hereby authorized to be formed in the city of Memphis; and for that purpose, Robert Fletcher, Isaac Phelm, W. A. Con, L. I. Duprey, Thos. H. Allen, H. M. Luster, D. B. Turner, D. M. Leatherman, I. G. Limdah, E. Dashiell, W. G. Thompson, J. G. Finnie, Jno. R. McClenohon, Thos. N. Giles, Fred. P. Stanton, C. C. Maydmell, and such other persons as may be associated with them by becoming shareholders of the capital stock of the company hereby incorporated, and their successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the Memphis Building and Loan Association, and may by their corporate name, sue and be sued, plead and be impleaded; may make and use a common seal, and alter the same at their pleasure; and may use, exercise and enjoy all the rights, privileges and immunities which are incident to corporations.

May make by-laws, &c.

SEC. 2. *Be it enacted*, That the members of the said corporation shall have full power and authority to form and adopt such constitution, by-laws, rules and regulations for the government of the corporation, and to choose and appoint such officers and agents for the transaction of the business of the corporation, as to them shall seem expedient; and such constitution, by-laws, rules and regulations, shall have the force and effect of a legal enactment on the members of said corporation; *provided*, that such constitution, by-laws, rules and regulations do not conflict with the laws of the land.

Capital stock.

SEC. 3. *Be it enacted*, That the capital stock of said corporation shall be divided into shares of one dollar per month, each, to be paid in monthly, until the said corporation shall determine and close; and the capital stock of the said corporation shall be not less than two nor more than five thousand shares, and subscriptions for stock shall be made in such mode as may be prescribed by said association.

May loan out funds.

SEC. 4. *Be it enacted*, That the funds of the said corporation may be loaned out to the stockholders in such manner, on such terms and conditions, and under such regulations as the said corporation, by its constitution and by-laws, may prescribe; *provided*, the same be secured by real estate; and any funds of the said corporation which may remain after the stockholders have borrowed all they desire, may be loaned out to others than stockholders, they paying therefor interest at the rate of six per centum per annum; *provided*, the same be secured by real estate.

Power over real estate.

SEC. 5. *Be it enacted*, That the said corporation shall have power to take and to hold all such real estate as may be mortgaged or conveyed in trust to secure the said corporation in the loan of any of its funds; and the said corporation shall have power to purchase any such real estate as aforesaid, at any sale thereof, made under any mortgage or conveyance in trust of any such real estate, to secure the said corporation in any such loan as aforesaid, and the same to hold and sell, or otherwise dispose of as to the said corporation may seem expedient.

SEC. 6. *Be it enacted*, That when each stockholder, for each and every share of stock by him or her held, shall be entitled to receive the sum of two hundred dollars, on distribution of the funds of the said association, then the said corporation shall wind up, terminate and close.



**SEC. 7.** *Be it further enacted,* That Aaron V. Brown, W. B. Shapard, Alexander Allison, E. G. Eastman, W. F. Cooper, H. S. Atkinson, G. C. Torbett, and their associates and successors, are hereby created a body corporate and politic, under the name and style of the Nashville Building Association, with the same capital, rights, powers and liabilities conferred in the preceding sections of this act upon the Memphis Building and Loan Association, and with the object of enabling the working men of Nashville and its vicinity to become their own landlords.

Nashville  
building As-  
sociation.

**SECTION 8.** *Be it further enacted,* That J. W. F. Manning, Henry C. Hensley and H. K. Walker, their successors and associates are hereby constituted a body politic and corporate, by the name of the "Yemassee Mining Company," for the purpose of mining and working copper, lead, zinc and iron ores, and coal, or any other minerals, metals or ores; and also for exploring for and purchasing and vending the same; and for such purposes they may erect all necessary buildings, apparatus and fixtures for carrying on their mining operations, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits or actions, and have a common seal, and the same alter or renew at pleasure; and may enjoy the privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey real or personal estate.

Yemassee Mi-  
ning company.

**SEC. 9.** That the first meeting of said corporation may be called by the persons named in this act, or a majority of them, or their legally authorized agents, at such time and place as they may elect; and at such meeting a board of directors shall be chosen from among the stockholders present in person or by proxy, at such meeting, and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders. Said directors shall hold office for one year, or until their successors are appointed; and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the constitution and laws of the United States, and of this State.

Directors  
chosen.

**SEC. 10.** That the directors shall cause a book to be kept, containing the names of all persons who are stockholders in said company, showing their places of residence, and the number of shares of stock held by

Shall keep a  
book.

each, respectively, and the time when they became, respectively, the owners of said shares; and the amount of stock actually paid in; which book shall, during the usual business hours of each secular day, be open, at the place of business of said company, for the inspection of the stockholders and creditors of said company and their representatives.

May divide  
stock.

SEC. 11. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as they may deem expedient; and may levy and collect assessments, forfeit and sell the shares of delinquent stockholders; declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct.

Debts.

SEC. 12. That the said corporation shall not contract debts until the sum of thirty thousand dollars of the capital stock shall be paid in, no part of which shall be withdrawn, or in any manner diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the capital stock of said company.

SEC. 13. So much of this act as relates to the "Yemassee Mining Company," shall take effect from and after its passage.

Excelsior and  
Ocoee Mining  
Company.

SEC. 14. *Be it enacted*, That John Hailey, Geo. W. Rice, Jeremiah Maxwell and their associates, be, and the same are hereby constituted a body politic and corporate under the style and name of the Excelsior and Ocoee Mining Company, for the purpose of discovering and mining in copper, lead, iron and other metals, and establishing works for smelting and testing the same, with the same capital, having the same powers, and subject to the same limitations and restrictions as are specified in the act establishing the Calloway Mining Company, passed at the present session of the General Assembly.

South-western  
Mining and  
Manufacturing  
Company.

SEC. 15. *Be it enacted*, That Jared S. Wright, Jno. A. Howland, H. P. Bostick, Wm. Langley, O. P. Parker, W. H. Rogers, R. S. Orten, J. C. Dew, Wash. W. Burlingame, Amasa A. McLane, R. W. Potter, Ed. Pendleton, or either of them be, and they are hereby authorized to open books for subscription, at such times and places as they may deem proper; and the owners of the shares thus subscribed, shall be, and the same hereby are created a body politic and corporate, under the name and style of the South-Western Mining and Manufacturing Company; and by that name may con-

tract and be contracted with; sue and be sued; plead and be impleaded: answer and be answered unto; and prosecute to final judgment in any court, or elsewhere; and have and use a common seal, and change the same at will; with power and authority to purchase, receive in donation, enjoy and possess estate, real, personal or mixed; and to lease, rent, sell, alienate and convey, or otherwise dispose of the same, or any part thereof, with all rights, powers and privileges necessary and proper for them, as a separate incorporated company, having the same privileges and restrictions granted as are in this charter.

SEC. 16. The capital stock of the company shall consist of ten thousand shares of one hundred dollars each, of which the lands and mines of Jared S. Wright and R. S. Orten, and his or their associates, may constitute a part, at such price as may be agreed on between the said Jared S. Wright and R. S. Orten and his or their associates, and the president and directors of said company; and the said shares shall be deemed and held as personal property, transferable only on the books of the company. Capital stock.

SEC. 17. The said company may, from time to time, increase their capital stock; *provided*, it shall at no time exceed ten thousand shares over and above their real estate; and, *provided*, they shall, at no time, hold more than one hundred thousand acres of land. Limitation of stock.

SEC. 18. The company may erect suitable buildings upon their lands; make their own machinery, and such other articles, either for their own use, or for sale, and vend the same at their pleasure; carry on mills and manufacturies. They may construct such railroads, turnpikes, or other roads as they may deem necessary and proper for the successful arrangement of their business, or to connect their mines or manufacturies with any railroads or other roads, or navigable water-courses in the State of Tennessee.

SEC. 19. When said company shall have been organized by the election of not less than five nor more than nine directors, the President to be chosen from them, the President and directors may make and establish rules and by-laws for the government of the company, and modify and repeal the same at pleasure.

SEC. 20. If the capital stock of said company be withdrawn or refunded to the stockholders before the payment of all debts due from the company, for which said stock would have been liable, the stockholders Withdrawal of stock.

shall be liable to such creditors in action founded on this act, to the amount of the sum refunded to them respectively, as aforesaid. *Provided, always,* That if any such stockholder shall be compelled by such action to pay debts to any creditor, or any part thereof, he shall have the right by bill in equity, to call upon all the stockholders, to whom any part of the said stock has been refunded, to contribute their proportional part of the same paid by him as aforesaid.

Dividends:

SEC. 21. If the directors of said company shall declare and pay a dividend when the corporation is insolvent, or any dividend, the payment of which would render it insolvent, knowing such corporation to be insolvent, or that the payment would render it so, the directors assenting thereto, shall be jointly and severally liable in an action founded on this statute, for all debts due from such corporation at the time of declaring such dividend; *provided,* that each director present at the time of declaring such dividend shall be held as assenting thereto, unless he shall enter his protest on the books of the company against declaring such dividend.

SEC. 22. The stockholders shall be jointly and severally, individually liable for all debts that may be due, and owing to all their laborers, servants and apprentices, for services performed for said corporation.

Sligo Mining  
and Marble Co.

SEC. 23. *Be it enacted,* That Michael Burns, Ammon L. Davis, James Sloan, Anson Nelson, Joseph Nash and their associates, be, and are hereby incorporated under the name and style of the "Sligo Mining and Marble Company."

General  
powers.

SEC. 24. That the primary object of said body corporate being the opening and working mines and quarries, for the purpose of carrying out said object, it shall be lawful for it to sue and be sued by its corporate name; to hold, receive by gift, buy, sell and convey lands, slaves, quarries, mines, roads and rights of way, and all other property, real and personal; and to do all other acts lawful and incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated.

Commissioners

SEC. 25. That the said Michael Burns, Ammon L. Davis, James Sloan, Anson Nelson and Joseph Nash are hereby nominated and appointed commissioners to open books and receive subscriptions of stock; and that the election of officers, their numbers and duties, the fixing of the capital stock, and all other matters incident to the carrying out the objects of this corporation, shall

be determined on by a majority of the stockholders, the votes being proportioned to the stock held.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 1, 1854.

## CHAPTER XXIV.

AN ACT to give further time to perfect titles to lands in this State, and to secure and quiet titles to the same, and thereby prevent litigation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the enterers of land in any of the land offices in this State, and the assignees of such enterers, shall have time until the first day of April, 1856, to have their entries surveyed and granted; and hereafter it shall not be lawful for any person or persons to enter any land in any of the entry taker's offices, on which land, another resides, or which is cultivated by another, or which has been previously entered, until such persons shall have given in writing, at least thirty days previous notice to the persons residing on or cultivating said land, or to the previous enterer, or his or their assignees, of his intention to enter the same; and any entry made or grant obtained, contrary to the provisions of this act, shall be void.

SEC. 2. *Be it enacted,* That all entries heretofore made, and all grants obtained by any person or persons, of any of the vacant and unappropriated lands in this State, where the same, at the time of making said entries and obtaining said grants, did not interfere with the rights of some other person or persons; be, and the same are hereby declared good and lawful entries and grants, and shall be an absolute bar to any suit or suits which may hereafter be commenced in any court of law or equity by any other person or persons; *provided,* said entries and grants are not a fraud upon the State of Tennessee.

What entries  
and grants  
valid.

SEC. 3. *Be it enacted,* That when the previous enterer, or his or their assignees, reside out of the county where said land lies, it shall be sufficient for the person wishing to enter said land, to give such previous enterer or

Enterers re-  
siding out of  
the county.

his or their assignees, sixty days notice by publication in some newspaper published in the grand division of the State where the land lies.

SEC. 4. *Be it enacted*, That all entries made after the passage of this act, shall be perfected by grant within two years from the date of said entry.

Entry takers to  
transmit plats  
and certificates

SEC. 5. *Be it further enacted*, That it shall be the duty of the several entry takers in this State, before the first day of July, 1854, to transmit to the register of the land office for the district in which their counties may be situated, all plats and certificates of survey of entries made previous to the first of September, 1849, and all plats and certificates of survey which may have been returned by the surveyors of the respective counties prior to the 1st day of July, 1853, together with the fees of the Register and Secretary of State; *provided*, the fees of the Register and Secretary have been paid into his office; and upon failure or refusal of any of said entry takers, to comply with the provisions of this act, they shall be deemed guilty of a misdemeanor in office, punishable by a fine of not less than five dollars for each offence, and the Attorney General of the several counties shall enforce this law as in other cases of misdemeanors.

SEC. 6. *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 20, 1853.

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## CHAPTER XXV.

AN ACT to authorize the entry of any vacant land in the Hiwassee river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter any vacant land in the Hiwassee river may be entered in the Hiwassee district, by any person, in the same manner that other unsurveyed lands are entered in said district, and the

grant or grants for the same, shall issue as in other cases in said district.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 10th, 1854.

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## CHAPTER XXVI.

AN ACT to provide for the repairing of the Penitentiary, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the agent and keeper of the penitentiary. may, with the consent and advice of the inspectors of said prison, make such repairs and improvements, and build and construct such additional number of cells in said prison, as to said inspectors shall, from time to time, seem necessary and expedient; and in making said repairs and improvements the labor of the convicts in said prison shall be employed so far as the same may be practicable.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 4, 1854.

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## CHAPTER XXVII.

AN ACT to increase the salaries of the different Judges of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the salaries of the Judges of the Supreme Court of this State shall be increased from eighteen hundred dollars, to twenty-five hundred dollars per annum, and that the salaries of the respective Circuit Judges and Chancellors of this State shall be raised from [fifteen to] eighteen hundred dollars per an-

num, and said salaries shall be paid in the same manner in which the existing salaries are now paid.

SEC. 2. *Be it enacted*, That this act shall take effect from and after the election of Judges by the people.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 27, 1854.

## CHAPTER XXVIII.

AN ACT to prevent the laws's delay.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, in all cases where, by existing laws, a party has the right to file interrogatories for the purpose of obtaining a discovery from the adverse party in suits at law, it shall be the duty of the party seeking a discovery, to file his petition therefor, with the clerk of the court, at least five days before the trial term of the cause. *Provided*, that either party may have a discovery at any time before trial, on making affidavit that the materiality of a discovery was not known to him until the time of filing his petition, or until within five days next before the first day of said term of the court.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 28, 1854.

## CHAPTER XXIX.

AN ACT for the benefit of Minors.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That whenever the distributive share of any minor shall not exceed two hundred dol-



lars, the clerks of the county courts of this State shall not be entitled to more than one dollar for any one settlement that they may make with the guardian of the minors, as the case may require; and that all laws contrary to this act, be, and the same are hereby repealed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER XXX.

AN ACT for the benefit of the State Prison.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Building Commissioners of the Capitol are hereby authorized and required to appropriate twenty thousand dollars, or so much thereof as may be necessary, out of the two hundred thousand dollars appropriated for the construction of the State Capitol to be expended by the agent of the penitentiary, under the advice and direction of the inspectors, for the building of new cells for the convicts, and for such other purposes for the benefit of the penitentiary, as the inspectors may direct.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 4, 1854.

## CHAPTER XXXI.

AN ACT to regulate the fees of Sheriffs.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sheriffs of the different counties shall hereafter be allowed the sum of one dollar and fifty cents for each day's service for waiting

upon the courts held in their respective counties; and that the sheriffs be paid out of the State treasury for waiting on the supreme court. *Provided*, the amount paid to any sheriff in any one year, for such services, shall not exceed one hundred dollars.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 23, 1854.

## CHAPTER XXXII.

AN ACT to prescribe the manner of electing Judges and Attorneys General by the people.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That on the 4th Thursday of May, 1854, there shall be elected in this State, three Judges of the Supreme Court, one Attorney General for the State, one Judge and one Attorney General in each judicial district, and one Chancellor in each chancery division.

Sheriff or coroner to hold election.

SEC. 2. The sheriffs of the different counties shall, on that day, and ever afterwards, as provided by this act, open and hold the elections in their respective counties, under the same rules, regulations and restrictions that are prescribed in reference to the election of sheriffs, clerks, registers and county trustees. If there shall be no sheriff of the county, or he shall be a candidate, the coroner shall hold the election.

To make return to Secretary of State.

SEC. 3. The sheriff or coroner shall within three days after such election, transmit to the Secretary of State, a copy of the certificate made by the judges and clerks, of the number of votes received by each candidate.

Secretary to issue certificate.

SEC. 4. The Secretary of State shall compare the number of votes received by each candidate; shall enter the same in a book to be kept for that purpose, and shall issue to the person receiving the highest number of votes, a certificate of his election, to be countersigned by the Governor, which certificate shall be sufficient to enable him to proceed to discharge the duties of the office.

SEC. 5. If two persons candidates for the same office, shall receive an equal number of votes, it shall be the duty of the Governor, immediately to order another election, within thirty days, of which notice shall be given in one newspaper published at the capitol, and one or more newspapers published in the district in which such election is to be held.

In case of a tie.

SEC. 6. As often as a vacancy shall occur in any of said offices by death, resignation, expiration of the term, or otherwise, it shall be the duty of the Governor to order an election to be held, and of which notice shall be given, if of a Supreme Judge or Attorney General and Reporter, for two months, by publication in a newspaper in each of the grand divisions of the State; if of a Circuit Judge, Chancellor or Attorney General, by publication for one month in one of the newspapers of the capitol, and in one or more newspapers in the circuit or district, for which such Judge, or Chancellor, or Attorney is to be elected.

Election to fill vacancy.

SEC. 7. Whenever a vacancy shall occur in any of said offices, by death, resignation or removal, the Governor shall appoint some person to fill the office until the election of a successor, according to the provisions of this act.

Governor to fill vacancy until election.

SEC. 8. Persons illegally voting for any of said officers shall be liable to indictment or presentment, and upon conviction, shall be punished as in other cases of misdemeanor.

Illegal voting.

SEC. 9. *Be it further enacted*, That the qualified voters of the county of Shelby shall elect a Judge of the Common Law and Chancery Court of the city of Memphis; the qualified voters of the counties of Shelby, Tipton, Fayette and Hardeman, shall elect a Judge for the eleventh judicial circuit, (composed of said counties;) the qualified voters of the fifth, thirteenth and fourteenth civil districts in Shelby county, in which Memphis and Fort Pickering are situated, shall elect a Judge of the Criminal Court of Memphis, and also an Attorney General for said Criminal Court of Memphis; and the qualified voters of the counties of Shelby, Tipton, Fayette and Hardeman, the fifth, thirteenth and fourteenth civil districts in Shelby county excluded, shall elect an Attorney General for the eleventh judicial circuit.

Judges and attorneys general in the Memphis district.

SEC. 10. And if there is no newspaper published in the circuit, the notice of said election shall be published in some newspaper near the circuit, and which circulates therein.

Manner of  
voting for Su-  
preme judges

SEC. 11. *Be it further enacted*, That in voting for supreme judges of the State, every voter shall prefix to the name of each candidate on his ticket, the words, *Eastern, Western, or Middle Division*, to denote the grand division of the State for which he desires each candidate elected, and the person receiving the highest number of votes for any division, shall be declared one of the judges of the supreme court of the State of Tennessee.

Contested  
elections.

SEC. 12. *Be it enacted*, That should a candidate for the office of judge of the circuit, common law and chancery, or criminal court, or for the office of attorney general for any circuit or criminal court in the State, desire to contest any election, he must, within twenty days after such election, present a sworn statement of the grounds of contest to the chancellor of the division in which such election was held; or if there be no chancellor in that division, to the chancellor of the next and adjoining division, whose duty it shall be to appoint a day of trial, not less than thirty nor more than fifty days from the day of such presentation, and a place of trial at some point within the circuit, in which such election was held; which day and place of trial must be by him endorsed on such statement, and a copy of the same be served on the person whose election is contested, or left at his usual place of residence by a sheriff or constable, at least twenty days before the trial, and returned to the chancellor before whom the contest is to be tried.

Testimony,  
how taken.

SEC. 13. *Be it further enacted*, That the testimony in such contests may be taken by either party by deposition, as in chancery causes, upon such notice as the chancellor may prescribe, or orally; and the chancellor may make all necessary orders in relation to the transmission of the ballots given in the election, to the place of trial, or in relation to any other matter required in such contest.

SEC. 14. *Be it further enacted*, That after the chancellor shall have heard the testimony and determined the contested election, it shall be his duty to send a certified copy of his decision, giving a statement of the legal votes cast for each of the contesting parties, to the Governor of the State, whose duty it shall be to issue a commission to the person elected.

Where elec-  
tion void.

SEC. 15. *Be it further enacted*, That if the chancellor trying the contest shall decide the election to be void, or that each of the two candidates has received an

equal number of votes, the Governor of the State shall issue a "writ of election" to fill the vacancy.

**SEC. 16.** *Be it further enacted,* That contests for the office of chancellor shall be tried before the chancellor of some division adjoining that in which such election is held. *Contested elections where tried.* Contests for the office of supreme judge shall be tried by one of the chancellors in that grand division of the State in which the incumbent is required to reside; and contests for the office of attorney general for the State, shall be tried before the chancellor of the division in which the seat of government is situated, under the same rules and regulations prescribed in the foregoing sections of this act. *Provided,* That the party contestant for the office of supreme judge or attorney general for the State, shall have forty days after the election within which to file his reasons for contesting such election.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, January 5, 1854.

## CHAPTER XXXIII.

**AN ACT** to make railroad companies liable for stock that may be killed or damaged by them, their agents or servants, on any railroad in this State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter all the railroad companies within this State shall be liable for all stock that may be killed or damaged by them, their agents or servants, on any railroad in this State, to be recovered by the owner or owners thereof, in an action for damages, before any justice of the peace, court, or judicature having jurisdiction of the same.

**SEC. 2.** *Be it enacted,* That no person or persons shall be allowed to recover any damage under the provisions of the first section of this act, who may put their stock upon the railroad, or when they procure it to be placed there by others, to be killed or damaged.

**SEC. 3.** *Be it further enacted,* That the service of any summons or lending process in any case commenced under the provisions of this act, upon a depot agent,

president, or secretary of said railroad company, against which such summons or leading process is issued, shall be deemed and held sufficient service of said summons or leading process upon said railroad company. *Provided*, that nothing in this section contained, shall be construed to repeal any portion of the act passed February, 26, 1852, entitled "an act to prevent obstructions upon railroads."

WM H. WISENER,  
*Speaker of the House of Representatives,*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 12, 1853.

## CHAPTER XXXIV.

AN ACT to prevent oppressive county taxes for railroad purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any county in this State which may have heretofore, or which may hereafter subscribe stock to a railroad company or companies, under any law authorizing such subscription, in the aggregate amounting to more than one fifteenth of the value of the taxable property of such county; and every subscription of stock made by any county in this State, and every county bond issued in violation of the provisions of this act, is hereby declared null and void, as to so much as shall be an excess of the limit above stated. *Provided*, that no county in this State, under any existing law, shall subscribe in the whole, exceeding one million of dollars in its corporate name and character, to a railroad company or companies. *Provided*, that this act shall in no way effect the validity of any county railroad subscription heretofore made, which may exceed the limit prescribed in this act.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 25, 1854.

## CHAPTER XXXV.

**AN ACT** to amend an act, entitled "an act to vest in the circuit court the power to restore persons to the rights of citizenship."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the first section of the above recited act as requires persons rendered infamous by the judgment of the courts of this State, to prove a character for honesty, respectability and veracity, and since their conviction, and for three years before their application to said court, be so amended as not to apply to persons who have been convicted of infamous crimes and pardoned by the Governor; but in all cases where persons convicted have been pardoned by the Governor, it shall and may be lawful for such persons at any time after receiving said pardon, to apply to the circuit court of the county or district in which they may have been convicted, to be restored to the rights of citizenship, and if, in the opinion of the court, said persons should be restored to the rights of citizenship, the same shall be done on application being made in the manner and form as provided in the act which this is intended to amend.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER XXXVI.

**AN ACT** to amend and perfect the registration of certain instruments, and make the same admissible as legal evidence in certain cases.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases in which any clerk of the county court of any county in this State, may have made and executed any instrument or conveyance that has been or is required by the laws of this State to be registered, and may have taken the probate of its acknowledgment or execution before himself as the clerk of the county court of such county, and may have the usual and legal certificate of probate upon the

same, and the same shall have been duly registered, said instrument or conveyance shall be deemed and regarded as legally and properly registered, and shall be received as legal evidence, and be entitled to the same force and effect, as if said instrument or conveyance had been made and executed by any other person than the county court clerk, and acknowledged or probated before said clerk, and duly registered.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,

*Speaker of the Senate.*

Passed, February 25, 1854.

## CHAPTER XXXVII.

AN ACT to prevent the cut-off in the collection of debts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the plaintiff or plaintiffs, in all causes for the collection of debts before justices of the peace, by note or other wise, to file with the warrant, the evidence of debt, on or before the day of trial.

SEC. 2. *Be it further enacted,* That in all cases where the plaintiff or plaintiffs, their agents or attorneys fail or refuse to comply with the first section of this act, and the justice renders judgment against him or them for costs, and said plaintiff or plaintiffs, their agents or attorneys applies to said justice for an appeal, said justice shall require of said applicant to file an affidavit that he did not withhold said evidence of indebtedness from the trial with a view of preventing said defendant or defendants from the benefit of staying said debt. *Provided, further,* that where any appeal shall be granted by any justice of the peace without the affidavit herein required, it shall be lawful for the plaintiff or plaintiffs, their agents or attorneys, taking such appeal, to make said affidavit before the circuit court in which such appeal may have been prayed and granted.



and that this act take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 26, 1854.

## CHAPTER XXXVIII.

AN ACT to amend an act passed January 28, 1848, entitled "an act to define cases in which the State may be taxed with costs."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed 28th January, 1848, entitled "an act to define cases in which the State may be taxed with costs," be so amended that in all cases provided for in said act, which may have been determined since the passage of said act, or may hereafter be decided against any one defendant and in favor of the balance of the defendants in the suit, and the defendant against whom the suit was decided, or may hereafter be decided, is insolvent, and an execution has been returned endorsed by the collecting officer, "*nulla bona*," the State shall pay her own costs as provided for in said act.

**SEC. 2.** *Be it enacted,* That the next term of the chancery court for the county of Bedford shall be held at Shelbyville on the second Monday in March; the next term of the chancery court for Marion county shall be held at Jasper on the first Monday in March; and the next term of the chancery court for the county of Bledsoe shall be held at Pikeville on the first Wednesday after the first Monday in March. *Provided,* that this act shall only apply to the next terms of these courts respectively; and after the times herein provided for, said courts shall be held at the times now prescribed by law.

Chancery  
courts at Shel-  
byville, Jasper  
and Pikeville.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 20, 1854.

## CHAPTER XXXIX.

AN ACT to require Chancellors and Circuit Judges to hold their courts at the regular terms.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any chancellor or circuit Judge in this State shall fail or refuse, or neglect to attend on the first or second or third day of their regular term of any of the courts in his district, or shall refuse or neglect, after attending on the first days of his courts, to hold his courts at the times and places prescribed by law, for each and every such failure, neglect, or refusal, a deduction of one hundred dollars shall be made from the salary of any chancellor or circuit judge so failing, neglecting or refusing.

Treasurer to  
require cer-  
tificate.

SEC. 2. *Be it enacted*, That it shall not be lawful for the treasurer of the State to pay any of the chancellors or circuit judges of this State, the whole or any part of their salary unless such chancellors or circuit judges shall certify that he has attended at the times and places prescribed by law for the holding of his courts, and has held his courts at the regular terms, or shall certify the number of terms which he has failed to attend and hold his courts, in which case a deduction shall be made as provided for in the first section of this act; *provided*, that if his failure to hold his courts has been caused by the sickness of himself or family, by high water, or any other unavoidable necessity, which cause or causes, he shall certify to the treasurer, no deduction shall be made from his salary.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 5, 1853.

## CHAPTER XL.

AN ACT providing for the payment of the costs on writs of *habeas corpus*.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*. That hereafter, in all cases where the defendant is brought before any circuit or criminal

judge on a writ of *habeas corpus*, and discharged by the judge, the costs shall be paid as in other State cases, when the defendant is tried and acquitted by a jury.

SEC. 2. *Be it further enacted*, That in all cases as provided in the first section of this act, when the defendant is charged with committing a felony and discharged by the judge before whom the defendant was brought, it shall be the duty of the judge to make out and certify the bill of costs as in other State cases, and deliver the same to the clerk of the circuit court from which the defendant was brought; and it shall be the duty of said clerk to forward the said bill of costs to the treasurer or comptroller of the State for payment as in other cases; and it shall be the duty of the clerk on receiving the costs, to pay it to the person or persons entitled to the same as in other cases.

Judge to certify bill of costs

SEC. 3. *Be it further enacted*, That if any defendant is brought before any judge as provided in this act, charged with a misdemeanor and discharged by the judge, it shall be his duty to make out and certify the bill of costs, and deliver the same to the court of the county in which the defendant was charged with committing the offences, and it shall be the duty of the county court to allow the same as in other cases where the defendant is tried and acquitted by a jury.

County court to allow costs.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK.

*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER XLI.

AN ACT to institute the office of State Librarian.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State be required to collect and arrange the books and documents belonging to the State, and place the same in the apartment of the State capitol designed for that purpose, and that the comptroller issue his warrant to the secretary for such sums as may be necessary to arrange such department for their reception, and for the removal of the library of the State thereto. *Provided*, the

expense to be thus incurred shall not exceed the sum of five hundred dollars.

**SEC. 2.** *Be it enacted,* That the Secretary of State be constituted *ex officio* State Librarian; that he be required to keep safely all books and documents which may now belong to the State library, or which may hereafter be added thereto; that he shall prepare and keep in a well bound book a catalogue of the same, and shall receive as a compensation therefor the sum of one hundred and fifty dollars per annum, to be paid out of any money in the treasury not otherwise appropriated, and for which the comptroller may issue his warrant.

**SEC. 3.** *Be it enacted,* That the library shall be open at least one day in every week, for the use of the citizens of the State, and a receipt shall be taken by the librarian for any books taken therefrom, in one month from the lending of the same, for which, if not returned, the borrower or borrowers shall be held liable for the value of the same; which may be recovered in any court of competent jurisdiction, upon proof of notice to return the same, given by the librarian.

**SEC. 4.** *Be it enacted,* That this act shall take effect from and after its passage; and said librarian shall execute to the State a bond of five hundred dollars, with good and sufficient security for the faithful discharge of his duty.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 20, 1854.

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## CHAPTER XLII.

AN ACT authorizing church officers and their successors to convey real estate, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where any elders, trustees, or other church officer or officers in any of the various churches or congregations of any religious denomination in this State shall have had, or may hereafter have any lands conveyed to them for the use of their respective churches or congregations as build-

ing sites, or for any other purpose, by deed, grant, devise, or in any other manner, they or their successors in such church office, according to the regulations of such church or congregation, may sell and convey the same by deed, which deed, when officially signed by such elders, trustees, or other church officer or officers, or their successors in office, and proven and registered as other deeds, shall pass the title, whether for life, for years, or in fee, to such land, to the purchaser, in as full and ample a manner as if said church officer or officers held the same as a corporation, and had conveyed it by deed under their corporate seal.

*Sec. 2. Be it enacted,* That in all cases where by treaties between the United States of America and foreign nations, it is agreed that aliens shall inherit real estate, or be entitled to the proceeds thereof, or to take and hold real estate by purchase or otherwise, such aliens so provided for by treaties, shall be authorized to inherit real estate, and take and hold the same by purchase or otherwise, in this State.

Aliens, when  
to hold real es-  
tate.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 25, 1854.

## CHAPTER XLIII.

**AN ACT** to protect the owners of real estate in the different cities and incorporated towns in this State.

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the corporate authorities in the several incorporated towns and cities in this State hereafter, when applied to by the owner or owners of real estate within the corporate limits of any town or city, who may be desirous of improving or building upon their lots, to have the grade of the street or streets established upon which they propose to build or improve, so that the owner or owners of said lots may construct their improvements so as to conform with the grade of the street as established by the corporate authorities.

**Sec. 2. *Be it enacted,*** That if after establishing such grade by the corporate authorities, it shall be found necessary to change the same and damage occurs to the owner or owners of real estate in consequence of changing the grade of the street or streets, it shall be the duty of the corporate authorities to pay such person or persons who may have been damaged by the change of grade, the full amount of the damages he, she or they may have sustained.

**Sec. 3. *Be it enacted,*** That if the corporate authorities of any town or city shall have neglected to establish the grade of a street, and permanent and valuable improvements shall have been made on the same, and the corporate authorities shall establish a grade which shall materially damage the owner of real estate upon which said improvements may be erected, it shall be the duty of the corporation to pay to the owner or owners of such property thus injured, all such damages as they may have sustained.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 5, 1853.

## CHAPTER XLIV.

**AN ACT** to authorize the investing of certain monies in State bonds.

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That after paying the interest on the bonds of the State issued for stock in the Union Bank, the balance of dividends and bonus shall be paid on the order of the Governor and Comptroller for six per cent bonds of the State.

**SEC. 2.** And the dividends arising from the school fund stock in the Union and Planter's banks, shall be paid over on the order of the Governor and Comptroller for six per cent bonds of the State.

**SEC. 3.** It shall be the duty of the said Governor and Comptroller to cause the bonds purchased, with the proceeds of the dividends on state stock and bonus of the Union Bank, until the amount shall equal the sum

paid out of the treasury for the redemption of Union Bank Bonds.

Sec. 4. It shall be the duty of said Governor and Comptroller to deposit the bonds purchased, with the dividends from school fund stock in the Union and Planters' Banks, in the Bank of Tennessee, and take the receipt of the President of the Bank for the same. And the Treasurer of the State is hereby directed to draw the interest of said bonds and distribute annually as other school funds.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 27, 1854.

## CHAPTER XLV.

AN ACT to regulate county subscriptions for railroad stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall not be lawful for any county court to subscribe stock in the name of the county, until the proposition so to do shall have received the approbation of a majority of all the legal voters of the county.

Sec. 2. *Be it further enacted*, That the county courts shall determine and decide when the majority of the qualified voters in the county have voted for subscription; and that said county courts shall be governed in ascertaining the number of qualified voters in the county by the vote given in said county for Governor at the election last preceding the election for railroad subscription; *provided*, the vote cast in the election for railroad subscription shall not be greater than that cast in the election for Governor. If greater, a majority of the vote cast shall determine the election.

Sec. 3. *Be it enacted*, That before the popular vote herein provided for shall be taken, an actual survey and location of said road shall be made by a competent engineer, under the direction of the railroad company, setting forth the amount of money necessary to build said road, a copy of such estimate to be made on oath, and

deposited in the county court clerk's office at least thirty days before the time of such election.

SEC. 4. This act shall not apply to subscriptions of stock heretofore made, or to elections heretofore held in any of the counties of this State.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, January 24, 1854.

## CHAPTER XLVI.

AN ACT for the relief of purchasers of the school land, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when lands supposed to be school lands, have been sold under the provisions of the statutes of this State, from which the purchasers are, or shall be evicted, if the purchaser has not paid for the land from which he has been or may be evicted, then his note or notes shall be surrendered up to him; and if he has paid all or any part of the purchase money for the land so lost, the money shall be refunded to him or them, but not the interest which may have been expended.

SEC. 2. *Be it further enacted,* That in all cases where school land commissioners may have been compelled to pay costs, or attorney's fees, or may have become liable for the same, the amounts so paid or expended in defense of the school land title, the amount so paid shall be refunded to them by the trustees of the several counties, out of the interest arising from the sale of the school lands situated in the county.

SEC. 3. *Be it further enacted,* That in all cases where errors have been committed in the survey, calculation or sale of any school lands, it shall be lawful for the circuit courts, upon petition of the injured party, to order such error or mistake to be corrected, and the money to be



received or paid back, as the case may be, and the court may allow, when just and proper.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 24, 1854.

## CHAPTER XLVII.

AN ACT to amend an act entitled "an act for the incorporation of the citizens of any town, city or village in the State of Tennessee, who may desire it."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of the above recited act, passed January 7, 1850, be so amended as to authorize the corporation to assess a poll tax of not exceeding two dollars per annum.

SEC. 2. *Be it further enacted*, That the boundary line of the corporation of the town of Dandridge shall be extended so as to embrace the Frenchbroad river, commencing on a point forty poles above Faine's warehouse on said river, thence a north-east course forty poles east of the Baptist church, same course continued so as to include N. Hood's residence in said corporation; thence a west course so as to include the out-houses and dwelling house of the late John Fain, to the Knoxville road; thence with said road to the forks of the road leading to Maryville; thence a south direction to the river; thence across said river to the south bank; thence up with its meanders to the beginning; the same to be under the power and control of the corporate authorities of said town, and be subject to all the restrictions and liabilities incident to said corporation.

SEC. 3. *Be it enacted*, That the town constable of South Nashville shall be invested with concurrent jurisdiction with the district constables in this State, and shall have and exercise the same powers in all matters

of collection of fines and forfeitures obtained in favor of the corporation of South Nashville.

WM H. WISENER,  
*Speaker of the House of Representatives,*  
 EDWIN POLK,

*Speaker of the Senate.*

Passed, February 24, 1854.

## CHAPTER XLVIII.

AN ACT to amend the partition laws of this State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the partition laws of this State be so amended, that when several persons shall hold or be in the possession of any lands, tenements, or hereditaments as joint tenants, or as tenants in common, in which one or more of them shall have estates of inheritance or for life or lives, or for years, any one or more of such persons, being of full age, may apply for a division or partition of such premises according to the respective rights of the parties interested therein, and for a sale of such premises if it shall appear that a partition cannot be made without great prejudice to the owners.

**SEC. 2.** *Be it further enacted,* That it shall be the duty of the court to make partition in such cases. by setting apart to such of the parties as desire it, their shares in severalty, and leaving the shares of such other parties as desire it in common; and if there are minors, the court may, in its discretion, leave their shares in common or set their shares apart to them in severalty, as may appear to be just and right upon the proof introduced; but in no case shall the part that there are minors interested in such premises, and that it is for their interest that their shares be kept together, deprive the other parties of the right to have their shares set apart to them in severalty as aforesaid.

**SEC. 3.** *Be it further enacted,* That when the premises so held in common, are subject in whole or in part, to the incumbrance of dower or of tenancy by courtesy any one or more of the joint owners being of full age may apply for partition of said premises, and it shall be the duty of the court to order partition accordingly

setting apart to such as desire it, their shares in severality, and leaving others in common, as provided in the second section of this act.

**SEC. 4.** *Be it further enacted,* That it shall be the duty of the court in all cases where the commissioners appointed to make partition, report that exact partition cannot be made without injury to the parties, and that they have made the partition as nearly equal as they can, and also report the value of each share, or the sum necessary to be paid by some of the shares to equalize the others, to confirm the partition, and give a decree in favor of the persons to whom the smaller shares have been allotted against those having the larger shares, which decree shall be a lien on the said larger shares. *Provided, always,* that where there are infants, the court shall direct the money charged on their shares to be first paid out of their personal estate, (if any)

**SEC. 5.** *Be it further enacted,* That the provisions of this act shall apply to all partition cases in any court now authorized to make partition.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 24, 1854.

## CHAPTER XLIX.

**AN ACT** to enable all persons charged with the assets of an estate to have the evidences of payment by them perpetuated, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, all persons who are interested in the distribution of an estate, be required to execute to the executor, administrator or clerk, or the person whose duty it may be to distribute the same, a receipt for their legacy, distributive share, or interest in said estate, upon payment of the same, and that the clerk of the court having jurisdiction of the estate be required to keep a well bound book in which it shall be his duty to enter at length said receipt, and the probate of the same.

**SEC. 2.** *Be it enacted,* That all receipts or acquittances, and powers of attorney in regard to the distribution

of the estates mentioned in the first section of this act, may, at the option of the administrator, executor or guardian, be acknowledged before the clerk or two witnesses, who may prove the same; or before a justice of the peace, who shall put a similar certificate to that required by law for the probate of deeds; and if the acknowledgment is made before a justice of the peace in another county than the one in which it is situated, it shall be certified by the clerk of the county court that said justice is an acting justice of the peace for the county in which he resides.

SEC. 3. *Be it enacted*, That the acknowledgments as aforesaid, may be made or proven before any clerk of the county court in this State, or proven as deeds are proven, and his certificate to that effect shall entitle the same to be entered on record as though the same had been before the clerk or a justice of the peace in the county having the estate for distribution.

SEC. 4. *Be it enacted*, That the provisions of this act be extended to clerks and masters in chancery as well as to clerks of the county court.

SEC. 5. *Be it enacted*, That minors, upon obtaining the age of twenty-one years, or females, when they are married, upon the receipt of the money or estates due them, be required to receipt their guardians in the same manner as those who are legatees, distributees, or otherwise interested in the distribution of estates.

SEC. 6. *Be it enacted*, That the clerk, as aforesaid, shall keep well bound books, one for the estates of deceased persons, which are for distribution; and the other for wards who have attained the age of twenty-one years, or females who may have married, in which they shall record the authority, power of attorney, receipt or acquittance of the person's interest, as they may be executed, and shall carefully index and preserve the same.

SEC. 7. *Be it enacted*, That the following fees be allowed for the services above enumerated—to wit: for each certificate by clerk or justice, 25 cents; for recording power of attorney and one certificate, one dollar; for each additional certificate, twenty-five cents; for recording each receipt and acknowledgment, and filing same, one dollar, to be paid by the administrator, executor, or guardian, out of his own individual monies.

Fees of Clerks  
and Justices.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER L.

**AN ACT** to regulate the emancipation of slaves, and to provide for the transportation of free persons of color to the western coast of Africa.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee.* That hereafter all slaves in this State, acquiring a right to freedom, whether by contract or will, shall be transported to the western coast of Africa. If the slave shall be liberated by will, it shall be the duty of the executor or administrator; if by contract, the duty of any justice of the peace, sheriff, clerk, constable or register, who may have any knowledge of the facts, to file a petition in the circuit court of the county in which such slave resides, setting forth the facts; copies of which petition shall be served on the slave, on the former master, or if deceased, on his executor or administrator. The court shall have power, from time to time, to make all necessary penalties. If a fund shall have been raised for the purpose of transporting such slave to the western coast of Africa, it shall be paid into court and the court shall have power to issue attachments, executions and other process necessary to secure such fund. The former master may, in said cause, controvert the right of the slave to freedom. If a fund sufficient to pay the expense of transporting such slave, and to provide for its support for six months thereafter, shall not have been provided by the former owner or by other persons, it shall be the duty of the court to place such slave in the possession of the clerk of said court, who shall hire out said slave until a fund sufficient for the purpose aforesaid shall have been raised. The clerk shall report what he has done to every term of the court. Whenever the fund contemplated in this act shall be sufficient, it shall be the duty of the judge to notify the governor of the State of the fact, and to order the clerk to pay the money into the treasury of the State. The governor shall make the necessary arrangements for conveying such slave to some seaport town of the United States, for transporting such slave to the western coast of Africa, and for providing for his or her support for six months thereafter; the expenses shall be paid out of the fund aforesaid, and shall be subject to the draft of the governor. The money arising from the hire of slaves liberated under the same contract or will, shall be a joint fund for the benefit of all who claim their freedom under such contract or will. If a suit has been, or shall hereafter be brought by any slave in any court

of this State, to recover his or her freedom, it shall be the duty of the court in the event such suit shall be successfully prosecuted, to proceed to discharge the duties required of the circuit court without any petition being filed. All slaves which have heretofore acquired a right to freedom, but which have not been emancipated by the county court, shall be subject to the provisions of this act; and if any free persons of color, having a right to reside within this State, of whom, by the existing laws, bond is required for good behavior, shall fail or refuse to give such bond after two months' notice, such slave shall be subject to the provisions of this act. The costs of any suit or petition under this act shall be paid by such persons as the court may direct. The governor shall have power to appoint agents to assist him in discharging the duties hereby imposed upon him. The treasurer shall report to the legislature at every session, the money paid over to him under the provisions of this act, and the disposition made of the same. *Provided*, that nothing in this act contained, shall be so construed as to apply to those who from age or disease are unable to go with safety.

Certain sections repealed.

SEC. 2. *Be it enacted*, That sections second, third and fourth, of chapter 300, passed February 27th, 1852, be and the same are hereby repealed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 24, 1854.

## CHAPTER LI.

AN ACT to amend an act entitled "an act to authorize and regulate county subscriptions for railroad stock," passed January 22, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all the counties which have subscribed stock in any railroad company, and the county courts thereof shall have levied a tax on merchants and others exercising privileges, it shall be the duty of the county court clerk to issue in writing, a notice to all merchants and others exercising privileges in said counties, to appear before him, the said clerk, at the

expiration of twelve months from the court at which such railroad tax has been levied, and state on oath the amount of goods, wares and merchandize purchased and received by him or them, (if merchants;) or the amount of capital employed, (if exercising any other privileges,) for the year immediately preceding such statement; and it shall be the duty of said clerk to make out and deliver to the collector of railroad tax in such counties, a statement showing the amount of railroad tax with which each person or persons are chargeable.

Sec. 2. If any person or persons engaged in merchandizing, or exercising any of the privileges on which a railroad tax is laid, shall fail or refuse to state on oath, the amount of goods, wares and merchandize received, or the amount of capital employed, as required in the first section of this act, he, she or they refusing or failing, shall incur and be liable to the same penalties as are now imposed by law on those refusing to take out license, and the tax shall be collected in the same manner. Penalty for failure.

Sec. 3. *Be it further enacted*, That instead of a copy of a tax list showing the amounts each person or persons is charged, to be delivered to the president and directors of such rail roads, the clerks of the county courts of such counties, shall deliver to the president and directors an aggregate statement, as is now required to be transmitted to the comptroller of the treasury.

Sec. 4. *Be it enacted*, That this act shall take effect immediately from and after its passage.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 23, 1854.

## CHAPTER LII.

AN ACT to amend an act passed February 19, 1850, entitled "an act to extend the jurisdiction of justices of the peace."

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That each of the justices of the peace in this State shall hereafter have and exercise concurrent jurisdiction over all cases of judgment by

motion, with that they now have and exercise over specialties, notes, agreements and endorsements, by virtue of the act this is intended to amend.

**Circuit court for the county of Sumner.** SEC. 2. *Be it enacted*, That the counties of Sumner, Davidson, Rutherford and Montgomery, shall elect a judge, and said judge shall hold the circuit courts for the county of Sumner, at the times now appointed by law, and the criminal courts for the counties of Davidson, Rutherford and Montgomery, as now regulated by law, and the style of the said court shall be the circuit court for the county of Sumner, and the criminal districts of Davidson, Rutherford and Montgomery.

**Sixth Judicial Circuit.** SEC. 3. *Be it enacted*, That the counties of Davidson, Sumner and Williamson shall elect an attorney General, and that said attorney general shall attend the circuit court of Sumner and the criminal courts for the county of Davidson; and the counties of Davidson and Williamson shall elect the judge of the circuit court for the said last mentioned counties, and they shall compose the sixth judicial circuits.

**Circuit court may have jurisdiction in matters of account in advancement.** SEC. 4. *Be it enacted*, That in all cases where bills are now pending, or may be hereafter filed in the circuit courts of this State, for the sale and distribution, or for the partition of the real and personal estate of any deceased person or persons, said circuit courts shall have and exercise as full and complete jurisdiction in all matters of account of advancements made by the ancestor to his or her child or children, or to the heirs, representatives or distributees of such, as the chancery courts now have, and may of right exercise.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 20, 1854.

## CHAPTER LIII.

AN ACT for the protection of orphan children.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That from and after the passage of this act, it shall be the duty of the several county courts in this State, before whom any orphan child or



children may be brought for the purpose of being bound out as apprentices or otherwise, to require of the person or persons to whom such orphan child or children are bound, to enter into bond with good and sufficient security, to be approved of by said courts, payable to the State of Tennessee, for the use of such orphan child or children, in such sum as said court may direct, to be void on condition he, she or they well and truly comply with the contract by him, her, or them entered into with said court, in behalf of such orphan child or children, and that they faithfully and honestly discharge all their duties to such orphan child or children; said bond to be renewable at the pleasure of the court.

SEC. 2. *Be it enacted*, That it shall be discretionary with said courts, in binding out orphan children, whether they will bind boys to serve until they are twenty-one years of age, and girls to serve until they are eighteen years of age, as now required by law, or whether they will bind them out for a shorter period of time. Time of apprenticeship discretionary with the court.

SEC. 3. *Be it enacted*, That no person to whom any orphan child is now, or may hereafter be bound, shall be allowed to remove such orphan child out of the county in which he or she was bound, without the consent of such child and the court binding out such child. Apprentice not to be removed out of the county.

SEC. 4. *Be it enacted*, That it shall be the duty of said courts, on satisfactory proof being made before them, that any orphan child who has been, or may hereafter be bound out, is abused or badly treated, to have him or her taken away from the person or persons to whom such child is bound; and such removal shall not release the person or persons to whom such child was bound, from a suit on his bond. Abuse of apprenticeship.

SEC. 5. *Be it enacted*, That the clerk of the court taking the bond mentioned in the first section of this act, shall be entitled to fifty cents for the same, to be paid by the person from whom the same is taken. Fees.

SEC. 6. *Be it enacted*, That should it appear to the county court at any time, that guardians are neglecting or refusing to educate their wards in accordance with the means of said ward or wards, it shall be the duty of said county court to remove said guardian or guardians, and appoint another in their place. Guardians may be removed.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 14, 1854.

## CHAPTER LIV.

AN ACT to establish the fifth and sixth Chancery Divisions of this State.

**Fifth Chan-  
cery Division.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That this State shall be laid off into five chancery divisions, and the fifth division of district chancery courts shall consist of said courts holden at Maryville, Kingston, Madisonville, Athens, Benton, Cleveland, Washington, Harrison, Pikeville, Jasper, Sparta and Livingston, with the counties by law attached to said districts, and the said courts comprising the said division shall continue to be held in the counties and districts as now provided, or as may hereafter be provided by law; and for said fifth division a chancellor shall be elected who shall reside in the same, who shall be lawfully commissioned and qualified, and possess all the powers and authority conferred on the chancellors of this State.

**Sixth Chan-  
cery Division.** SEC. 2. *Be it enacted,* That the counties of Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne and Lawrence, shall, from and after the passage of this act, constitute a chancery district, to be known as the sixth chancery division of the State of Tennessee.

**Chancery  
courts, when  
held at Cam-  
den, Decatur-  
ville, Linden,  
and Purdy.** SEC. 3. *Be it further enacted,* That a chancery court shall be and is hereby established at Camden, for the county of Benton, to be holden on the fourth Mondays in February and August of each year; and also at Decaturville for the county of Decatur, to be held on the third Mondays in June and December of each year; and also a chancery court at Linden, for the county of Perry, to be holden on the first Thursday after the third Monday in June and December of each year; and that a chancery court be established at Purdy, for the county of McNairy, to be holden on the second Mondays in June and December of each and every year. The foregoing courts to be holden by a chancellor (hereafter to be elected) for the sixth chancery division hereby created.

**Clerks and  
Masters ap-  
pointed.** SEC. 4. *Be it enacted,* That the chancellor of the sixth chancery division hereby created, shall, at the first terms of the courts to be holden for the counties of Benton, Decatur, Perry and McNairy, appoint a clerk and master for each of said courts, who shall enter into bond and security to be approved by the chancellor; have the same powers, and be entitled to the same fees, and do and perform all the duties required of other clerks and masters in this State.

**SEC. 5.** *Be it enacted.* That the citizens of the counties of Benton, Decatur, Perry and McNairy, may file their bills in the chancery Division and district from which they have been detached until such time as the courts for said counties hereby created, shall be opened, and the proper officers for such courts appointed and qualified according to law. Where to  
file bills.

**SEC. 6.** *Be it enacted.* That hereafter a chancery court shall be held in the town of Jamestown, Fentress county, on the fourth Monday of March and the fourth Monday of September, in each year. Chancery  
court at James-  
town.

**SEC. 7.** *Be it further enacted.* That a chancery court be, and the same is hereby established at the town of Troy, in the county of Obion. The time of holding the chancery court at Troy shall be on the first Mondays in May and November, and the chancellor shall appoint a clerk and Master for said court, under the same rules and regulations as other clerks are elected. Chancery  
court at Troy.

**SEC. 8.** *Be it enacted.* That the supreme court, upon making an order to that effect, at any of its terms, shall have the power to hold a special term or terms, at any time, and within either of the three divisions of the State. Supreme court  
may hold spe-  
cial terms.

**SEC. 9.** *Be it further enacted.* That the present chancellors shall hold all the courts as now required by law, until the election of their successors, and chancellors for the fifth and sixth divisions are elected by the people. Present Chan-  
cellors to hold  
courts.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER LV.

AN ACT to amend the practice in the chancery courts, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter replications shall not be filed to answers in the chancery court; and if the plaintiff shall fail to except to the answer within the time prescribed by law, the issue shall be regarded as made as though a replication had been filed, and the No replication  
to be filed.

cause shall stand for trial at the first term of the court after the answer is filed. If at that or any other term, it shall be continued, the cause shall stand for hearing at the next term.

SEC. 2. It shall not hereafter be necessary for either party to set a cause for hearing, but it shall be the duty of the clerk to put down upon the hearing docket all the causes which are at issue.

**Notice.** SEC. 3. The third section of the act passed 27th February, 1852, entitled "an act to regulate chancery practice, and to expedite the hearing of causes in the chancery courts," be so amended that the notice in cases of non-residents shall be four weeks, instead of thirty days, as therein provided.

**Chancery courts.** SEC. 4. The chancery court for the county of Robertson, shall hereafter be held on the first Mondays in June and December of each year.

The chancery courts for the county of Humphreys, shall, after the election of judges by the people, be held on the first Mondays of April and October.

For the county of Dickson after the same time, on the Thursday after the first Mondays of April and October.

For the county of Maury, after the same time, on the third Mondays of March and September.

For the county of Blount, after the same time, on the fourth Mondays in May and November.

For the county of Monroe, after the same time, on the first Mondays in June and December.

For the county of Wayne, on the third Mondays in February and August, after the same time.

For the county of McNairy, after the same time, on the fourth Mondays of June and November.

For the county of Sumner, after the same time, on the second Mondays of March and September.

For the county of Stewart, after the same time, on Thursday after the second Mondays in April and October.

For the county of Montgomery, after the same time, on the third Mondays in April and October.

For the county of Rhea, after the same time, on the first Mondays in May and November.

**Criminal courts.** And after the next term of the criminal court for Montgomery county, said court shall be held on the first Mondays of January, May and September, unless otherwise ordered by the judge.

**Chancery courts.** SEC. 5. *Be it further enacted,* That from and after the election of chancellors of this State by the people, the

chancery court at Bolivar, Hardeman county, shall be held on the first Mondays of March and September; and the chancery courts at Sommerville shall be held on the third Mondays of March and September of each year.

SEC. 6. *Be it further enacted*, That the chancery court at Dyersburg, Dyer county, shall be held on the first Thursdays after the first Mondays in May and November, and the act heretofore passed, providing that said court shall be held on the first Mondays in May and November, be, and the same is hereby repealed.

SEC. 7. *Be it enacted*, That the circuit court for the county of Giles shall hereafter be held on the fourth Mondays of February, June and October, and the chancery courts for said county shall be held on the fourth Mondays of May and November; *provided*, that the next term of the circuit court for Giles county shall be held as the law now directs.

SEC. 8. *Be it enacted*, That the chancery courts at Shelbyville shall hereafter be holden on the Friday after the fourth Mondays in February and August.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 27, 1854.

## CHAPTER LVI.

AN ACT to authorize the citizens of Anderson county to file bills in chancery either at Jacksborough or at Knoxville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the citizens of Anderson county shall hereafter have the privilege of filing their bills either in the chancery court at Jacksborough or at Knoxville as they may elect, any law, usage or custom to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That the county of Union, when organized, shall be a part of, and attached to the Knox county chancery district, and may file their bills

either at Tazewell, in Claiborne county, or at Knoxville.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER LVII.

AN ACT to amend an act entitled "an act to authorize and regulate the business of banking," passed February 12, 1852, ch. 113.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the 1st sec. of an act passed February 12, 1852, ch. 113, entitled "an act to authorize and regulate the business of banking," as requires at least three-fourths of the securities deposited to be bonds of the State of Tennessee, be, and the same is hereby repealed.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 15, 1854.

## CHAPTER LVIII.

AN ACT to increase the jurisdiction of Magistrates.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the jurisdiction of Magistrates shall be, and extend to five hundred dollars, on all notes of hand indiscriminately, whether calling for dollars and cents, or an amount to be discharged in other means than money, or an amount of any article or multiplicity of articles whatsoever.

SEC. 2. *Be it enacted*, That upon all book accounts obligations, contracts, or any other evidences of debt

magistrates shall have authority to pass judgment to the amount of two hundred and fifty dollars.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER LIX.

AN ACT to authorize a copy of the statutes of any State in this Union to be used as evidence in any court in this State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a copy of any statute taken from the book of statutes of any State of this Union in the library of this State and certified by the Secretary of state of this State to be a correct copy from such book of statutes, shall be received in evidence in any cause, and in any court in this State.

SEC. 2. That the Secretary of State, for such copy and certificate, shall be entitled to receive the same fees allowed by the act passed February 8, 1850, entitled "an act defining the fees of the Secretary of State."

SEC. 3. That this act shall take effect from and after its passage.

SEC. 4. *Be it enacted*; That so much of the act passed at this session of the General Assembly, entitled "an act to amend an act passed 19th February, 1850, entitled an act to extend the jurisdiction of justices of the peace," as relates to the counties of Davidson, Sumner and Williamson counties, and to the election of judges and attorneys general in said counties, be, and the same is hereby repealed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER LX.

**AN ACT** to amend an act entitled "an act to regulate proceedings in the action of replevin, passed January 15, 1846.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all actions of replevin shall be instituted in the courts of the county in which the goods and chattles sued for may be found. And if the defendant or defendants reside in a different county of the State from that in which the said goods and chattles may be found, it shall be the duty of the clerk, upon the suggestion of the plaintiff, to issue counterparts of the writ to the county of such residence.

**SEC. 2.** That whenever the goods and chattels sued for have been taken into possession of the officer, and the defendant or defendants cannot be found, and an alias and pluries writs have been issued, to which the same return has been made by the officer to whom said writs or counterparts have been directed, then and in such case the plaintiff may file his declaration, and the court shall empanel a jury to try the cause, as though the defendant or defendants had filed his, her or their plea; and should the jury find in favor of the plaintiff, they shall ascertain his damage for the seizure and detention of the goods and chattels, and judgment shall be given according to the provisions of the 8th section of the act which this is intended to amend.

**SEC. 3.** *Be it further enacted,* That should the defendants, or defendant, or either of them, be non-residents of the State, it shall be the duty of the officer to return said fact to the court, and the court shall order publication to be made for four successive weeks, in some newspaper published in the division of the State in which said suit may have been brought; which publication shall state the names of the parties, and briefly set forth the nature of the suit; and should the defendant fail to enter his appearance at the succeeding term of the court, the plaintiff may file his declaration, and the court shall try the cause in pursuance of the provisions of the 2d section of this act.

**SEC. 4.** That all laws or parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

**SEC. 5.** That the provisions of this act shall apply as



well to suits now pending as to those which may hereafter be brought.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, January 30, 1854.

## CHAPTER LXI.

AN ACT to make equal the Banks herein named, in the payment of bonus to the State, and to secure the payment of the tax on non-resident stockholders.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all laws requiring the Planters' Bank of Tennessee, or the Lawrenceburg Bank of Tennessee, to pay a bonus to the State on a specific amount of capital stock, be, and the same are hereby repealed; and said banks hereafter shall only be required to pay one half of one per centum per annum, upon their actual capital at the time of assessing the taxes thereon. *Provided,* the capital of the Planters' Bank of Tennessee shall not be reduced to a sum less than one million five hundred thousand dollars, nor that of the Lawrenceburg Bank of Tennessee at Lawrenceburg, to a sum less than fifty thousand dollars.

SEC. 2. *Be it enacted,* That the directory of the Lawrenceburg Bank of Tennessee, shall consist of five members, who shall be elected as heretofore; any four of whom shall constitute a quorum for the transaction of business. Lawrenceburg Bank.

SEC. 3. *Be it enacted,* That it shall be the duty of the several cashiers of the banks in this State, once every year, to make out and submit to the clerk of the county court of any and every county where such banks may be situated, a statement on oath, of the names of the foreign or non-resident stockholders, and the amount of stock held by each; and it shall further be the duty of such cashiers or banks to retain and pay over according to law, the amount of the taxes assessed or to be assessed upon such stock out of any dividends due to such stockholders. Cashiers to make annual statement.

**Sec. 4.** *Be it further enacted,* That a failure to make out and deliver the list required by the third section of this act shall be a misdemeanor, and punishable as other misdemeanors.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed March 1, 1854.

## CHAPTER LXII.

**AN ACT** directing the mode of stating the account of the Bank of Tennessee, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the President and directors of the Bank of Tennessee be, and are hereby authorized and directed, in the public statements of the condition of the Bank of Tennessee, made or required by the charter of the bank and other laws of the State, to charge off to account of profit and loss, any debt due to said bank or any of the branches which the president and directors may consider hopelessly bad; and it shall be the duty of the officers of said bank to retain a sufficient amount out of the annual profits of the bank to supply the place of such debts as they may charge off to profit and loss as hopelessly bad, so that the actual capital of the bank may not be reduced below its nominal amount; and that they be, and are hereby authorized to settle, compromise and adjust the several debts due the bank, with the debtors thereof, upon such terms as may seem to be reasonable and just; and that they be, and are hereby authorized to appoint such agents as may be necessary and proper for the final adjustment of said debts, paying them, for their services, a reasonable compensation from the funds arising from said debts, and that the amount collected from the bad debts aforesaid, beyond the expenses of collecting, be paid to the bank as other monies of the bank, and that the president of said bank report to the next General Assembly the amount collected, and also the amount lost of said bad debts.

**SEC. 2.** *Be it further enacted,* That the president and directors of said bank are hereby authorized and directed to cause to be brought to the principal bank at Nashville, all the worn out and defaced bank notes from the several branches, which are considered unfit for circulation, and cause them, with all the worn out and defaced notes of the principal bank, to be burned in the presence of the governor and comptroller of the State, and report an account thereof to the next General Assembly of the State, and that hereafter, when any note or bill shall be worn out, of said bank, or any of its branches, as to be considered unfit for circulation, it shall be the duty of the officers of said bank and branches to cancel the same by writing across the face of the note, "cancelled," and forward the same to the principal bank at Nashville, with their quarterly reports, for distruction, as above directed.

Worn out  
notes to be  
burned.

**SEC. 3.** *Be it further enacted,* That it shall be and is hereby made the duty of the officers of the principal bank, as well as of the branches, whenever it may be deemed necessary by them, to elect attorneys or other agents of the bank, for the collection of the monies of the bank; to require of such attorneys or other agents, bond and satisfactory security for the faithful performance of the duties required of them, and for the payment of all such sums of money as may be collected by them; which shall be filed in the bank, taking the same, and a copy thereof, certified by the officers of such bank, shall be received as evidence in any of the courts of the State; and in the event any such attorney or agent shall collect any of the monies of the bank and not pay over the same on demand, judgment may and shall be rendered against them upon motion, as in case of sheriffs, with the same damages and costs as allowed against sheriffs, when proceeded against on motion; and that all laws or parts of laws coming in conflict with this act are hereby repealed.

Attornies to  
give security.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER LXIII.

AN ACT directory to the Comptroller of the Treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the comptroller is hereby directed to issue his warrant to John Smith and R. P. Wamack for the sum of \$112.33, for commissions due them for money wrongfully paid into the Treasury.

SEC. 2. *Be it further enacted*, That the sum of twenty-seven dollars is hereby appropriated to H. I. Hill out of any monies in the treasury not otherwise appropriated, and the comptroller is hereby authorized and directed to issue his warrant for the same.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER LXIV.

AN ACT to replace the tax on the Fairview place, in Sumner county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 7th section, chap. 6, of an act passed 1st December, 1847, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 5, 1854.

## CHAPTER LXV.

AN ACT to reduce the number of directors in the branches of the Union Bank.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Union Bank of Tennessee may reduce the number of branch directors to seven, of whom five shall constitute a quorum.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 10, 1854.

## CHAPTER LXVI.

AN ACT to consolidate the offices of Entry Taker and Surveyor of Henry county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the surveyor of Henry county shall do and perform all the duties that now belong to the entry taker of said county, and receive all the pay and emoluments arising from the performance of said duties, being responsible in like manner as the entry taker of said county now is for the performance of the same, and the office of entry taker of said county is hereby abolished.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK.

*Speaker of the Senate.*

Passed, February 20, 1854.

## CHAPTER LXVII.

**AN ACT** to authorize the Register of the Mountain District to transcribe certain grants.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Register of the mountain district, and Moses M. Swan, to transcribe, or cause to be transcribed into a well bound book or books, at as early a day as the same may be done, from the records of the land offices at Nashville, all the grants there recorded, to lands lying within what is now known as the mountain district, and hold and keep said transcript in his office as part of the records of the same, subject at all times to the examination and inspection of those who may desire such examination.

**SEC. 2.** *Be it enacted,* That the said register shall, <sup>Fees.</sup> whenever required, issue copies of said transcribed grants; which copies, so issued, shall, when by him certified, be for all purposes as good and sufficient in law as copies from the original records, and the said register shall, for each of said copies so issued, be entitled to and receive the fee now prescribed by law for such services.

Secretary to  
examine and  
certify.

**SEC. 3.** *Be it enacted,* That it shall be the duty of the secretary of state, upon application of the register aforesaid, to examine his transcript and compare them with the original, and thereupon certify that fact in said book of transcripts, and to the treasurer, who shall pay to the register the sum of fifty cents, for each grant so transcribed; and the register's receipt upon said certificate shall be a good voucher to the treasurer.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 27, 1854.

## CHAPTER LXVIII

AN ACT to exempt the Treasurer and Comptroller from attending court out of the county in which their office is situated.

county courts  
taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the treasurer and comptroller of the State shall not be compelled to attend as a witness in any civil suit out of the county in which said officers may reside ; and that nothing in this act shall prevent said officers from attending before any magistrate in the county wherein they reside, that their deposition may be taken.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER LXIX.

AN ACT to allow the citizens of any town that is separated by the county line, to apply to the county court of either county for corporation privileges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 9th section of an act passed January 7th, 1850, be so amended as to allow the citizens of any town that is separated by the county line, to apply to the county court of either county for corporation privileges.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER LXX.

AN ACT for the benefit of the Tennessee Blind School.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of six thousand dollars be, and the same is hereby appropriated to the Tennessee Blind School, to be expended by the trustees thereof, in paying for the lot on which the main school edifice has been erected; in finishing the same; in erecting necessary out-houses; in purchasing furniture, and procuring apparatus for teaching. The expenditure of which money shall be shown in the account to be rendered by said trustees in their next biennial report. The comptroller of the treasury, on application of the chairman of said trustees, shall issue his warrant in favor of the cashier of the Bank of Tennessee, for the above named sum, who shall deposit it in the said bank for safe keeping, and shall pay out the same to the checks of said chairman, drawn by order of the majority of said trustees.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER LXXI.

AN ACT to establish a system of Common Schools in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a tax of twenty-five cents on the polls, and two and-a-half cents on the hundred dollars, of all the taxable property of the State, shall be levied for common schools, and shall be collected by the same officers who now collect the State tax, and under the same regulations and restrictions to which they are now subject in collecting said taxes, and shall be paid over to the treasurer of the State as State taxes are now paid over.

How distributed.

SEC. 2. The money collected under the provisions of this act, and one hundred thousand dollars now distrib-



uted annually for school purposes, shall hereafter be distributed to the counties, according to the scholastic population of each.

SEC. 3. The different county courts of this State, two-thirds of the justices being present, shall have the power annually, to levy and cause to be collected, after the manner of levying and collecting county taxes, on all the property, polls and privileges liable to taxation in their respective counties, a sum of money not less than the amount said county would receive under the first section of this act, and to apportion the same among the several school districts of their several counties, in the same manner that the school fund is now distributed; and said fund, when collected, shall be paid over to the county trustee, to be applied for common school purposes, in the same manner that the common funds in his hands from the State are now applied: *Provided*, that if two-thirds of all the justices of the county are not in favor of levying such a tax, then it may be the duty of said county court to order an election to be held to ascertain the wishes of the majority of the voters in the county, as to the levying said tax; and it must appear that a majority of those voting, are in favor of said tax, before the same shall be levied by the county. And it is hereby made the duty of the sheriffs of the different counties in this State to open and hold such elections, so ordered by the county court, in each civil district of their respective counties, at the usual place of holding such elections, on the first Saturday in March in each and every year, (should the county court not vote the tax as above provided,) and make return thereof to the April term of the county court then next ensuing; at which term, if it shall appear that a majority of all the votes polled are in favor of such tax, then the county court shall proceed to levy the same in the manner provided for in the first section of this act; and that one-fourth of the taxes raised on privileges under existing laws, be added to and constitute a part of the fund contemplated to be raised under the first section of this act.

County courts  
to levy taxes.

To order  
election.

SEC. 4. In determining the election provided for in the third section of this act, the ballots to be deposited in the ballot-box, shall be in the following form: Those cast in favor of levying the tax, shall contain the following words, "for the school;" those cast against levying the tax, shall contain the following words, "against the school;" and the ballots shall be canvassed, and return made thereof as before directed, and said

Ballot, how  
taken.

election shall be conducted in the same manner that elections for governor and members of the general assembly are conducted.

**Duty of tax collector.** SEC. 5. It shall be the duty of the tax collector in each county, to collect such school tax, if levied, in the same manner he collects State and county taxes, and to pay over such money by him collected, to the trustee of the county, on or before the first day of November, in each year, and he shall be allowed for such collections two per centum. He shall give to the county court, bond with approved security, payable to the chairman of said court; conditioned that he will use due diligence in collecting, and faithfully pay over all school moneys collected by him—to-wit: the monies collected in pursuance of the tax levied by the county court, or by vote of the people, to the trustee of the county, as above provided; and the money collected in pursuance of the State tax, as other taxes are paid over; which bond shall be received, and judgment, by motion, for breach of the conditions thereof, may be taken against all the obligators as on other official bonds executed by him. *Provided, further,* that nothing in this act contained, shall be so construed as to compel the counties to tax themselves before receiving the State tax, but it shall be optional with the counties.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER LXXII.

AN ACT to repeal the act of 1829, chapter 100, sections 1 and 2.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the act of 1829, chap. 100, sections 1 and 2, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the costs in all cases of misdemeanor, in the circuit courts of this State, when the defendant or defendants, may hereafter be acquitted, shall be allowed and paid in the same manner, and to the same extent, that costs are now allowed by law in cases where a nolle prosequ is entered.

**SEC. 3.** *Be it further enacted*, That hereafter, when any person or persons shall be tried for any offence cognizable by the laws of this State, and acquitted, said person or persons so acquitted, shall pay no costs whatever.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 8, 1853.

## CHAPTER LXXIII.

AN ACT to abolish the office of Entry Taker in Bedford county, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That all entries heretofore made in the entry takers books of Bedford county, shall be as good and valid as if made by the regular entry takers of said county.

**SEC. 2.** *Be it further enacted*, That the office of entry taker in said county be abolished, and the register of said county shall take charge of the books of said officer, and shall discharge all the duties required by law to be performed by said entry taker and for the like compensation, and shall keep separate books for the performance of said duties from the books required to be kept by him as register.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

election shall be conducted in the same manner that elections for governor and members of the general assembly are conducted.

**SEC. 5.** It shall be the duty of the tax collector in each county, to collect such school tax, if levied, in the same manner he collects State and county taxes, and to pay over such money by him collected, to the trustee of the county, on or before the first day of November, in each year, and he shall be allowed for such collections two per centum. He shall give to the county court, bond with approved security, payable to the chairman of said court; conditioned that he will use due diligence in collecting, and faithfully pay over all school moneys collected by him—to-wit: the monies collected in pursuance of the tax levied by the county court, or by vote of the people, to the trustee of the county, as above provided; and the money collected in pursuance of the State tax, as other taxes are paid over; which bond shall be received, and judgment, by motion, for breach of the conditions thereof, may be taken against all the obligators as on other official bonds executed by him. *Provided, further,* that nothing in this act contained, shall be so construed as to compel the counties to tax themselves before receiving the State tax, but it shall be optional with the counties.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 28, 1854.

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## CHAPTER LXXII.

AN ACT to repeal the act of 1829, chapter 100, sections 1 and 2.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the act of 1829, chap. 100, sections 1 and 2, be, and the same is hereby repealed.

**SEC. 2.** *Be it further enacted,* That the costs in all cases of misdemeanor, in the circuit courts of this State, when the defendant or defendants, may hereafter be acquitted, shall be allowed and paid in the same manner, and to the same extent, that costs are now allowed by law in cases where a nolle prosequere is entered.

**SEC. 3.** *Be it further enacted*, That hereafter, when any person or persons shall be tried for any offence cognizable by the laws of this State, and acquitted, said person or persons so acquitted, shall pay no costs whatever.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 8, 1853.

## CHAPTER LXXIII.

**AN ACT** to abolish the office of Entry Taker in Bedford county, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That all entries heretofore made in the entry takers books of Bedford county, shall be as good and valid as if made by the regular entry takers of said county.

**SEC. 2.** *Be it further enacted*, That the office of entry taker in said county be abolished, and the register of said county shall take charge of the books of said officer, and shall discharge all the duties required by law to be performed by said entry taker and for the like compensation, and shall keep separate books for the performance of said duties from the books required to be kept by him as register.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER LXXIV.

## AN ACT to allow testamentary trustees to resign.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of an act, passed 1831, chapter 107, be and the same is hereby so amended, that trustees created by last will and testament may resign their trust by making application in writing to the chancery court in the district where said trustee or *cestui que* trust resides, and said court, after giving ten days notice to the *cestui que* trust shall accept said resignation, order the clerk and master of said court to settle with said trustee, and take into his possession the trust fund; and the court may order an execution to issue against said trustee and his securities, after giving five days' notice to the securities, unless the payment and delivery are made in pursuance of the order of the court; and said court shall afterwards appoint another trustee in place of such trustee, taking in all cases proper to require it, good and sufficient bond, with sureties according to law, from such trustee who shall be so appointed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER LXXV.

## AN ACT to Regulate the Tax on Peddling.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the privilege of hawking and peddling in this State, shall not be granted to any person who is not a citizen of the United States.

SEC. 2. *Be it further enacted*, That hereafter, when any person shall apply for a license to hawk and peddle in this State, as now provided by law, such person so applying, shall, before he or she shall obtain such license, first make an affidavit before the clerk to whom application for license is made, that such person is a citizen of the United States. And if the person or per-

sons applying for license be of foreign birth, they shall produce, before the Clerk shall issue the license, a copy of the record, showing that they have been naturalized.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER LXXVI.

AN ACT to authorize Sheriffs to appoint additional deputies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That the sheriff of Green county be, and he is hereby authorized to appoint an additional deputy, subject to the same rules, regulations and restrictions that are required under the existing laws, and that this act shall take effect from and after its passage.

SEC. 2. *Be it enacted,* That the sheriff of Lawrence county be authorized to appoint an additional deputy.

SEC. 3. *Be it enacted,* That the circuit courts of Roane county shall hereafter be held on the first Mondays after the fourth Mondays in February, June and October, in each and every year. *Provided,* the next term of the court shall be held as heretofore, on the fourth Monday in June.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 24, 1854.

## CHAPTER LXXVII.

AN ACT to amend an act passed in 1805, chapter 66.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That from and after the passage of this act, it shall and may be lawful for executions

from a justice of the peace to be certified and sent to any county in this State as now allowed by law, whether the defendant has removed himself or property to said county or not, and any justice to whom said execution so certified, may be sent, shall issue execution as now required by law, and process of garnishment may likewise issue, returnable before said last mentioned justice. *Provided*, that no execution shall issue under this act until after an execution shall have been returned, "no property found," on the original judgment.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER LXXVIII.

AN ACT to amend the revenue laws of this State in regard to Revenue Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of an act passed the 7th day of February, 1850, entitled "an act to reduce the tax on merchants' license, and to draw out all the taxable property of the State," be so amended as that it shall not be lawful for the county court of any county in this State to allow any compensation for his services, to any revenue commissioner who shall fail or refuse to attend the meeting of the revenue commissioners of his county, in accordance with the section of the act which this is intended to amend, for the purpose of classifying and equalizing the assessment of taxable property of such civil district, unless such commissioner is detained from the meeting by sickness or some other unavoidable cause.

Sec. 2. *Be it further enacted*, That it shall be the duty of the county court clerks of this State to assist the revenue commissioners in comparing the tax list, and it



shall be his duty to see that said lists are made as equal as possible in valuation.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 27, 1854.

## CHAPTER LXXIX.

AN ACT to amend the act of 1813, chapter 181, section 1.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever a sheriff or a deputy sheriff shall execute any capias issued under the provisions of the act of 1813, chapter 31, sec. 3, it shall be his duty and he is hereby authorized to take bail from the defendant in the sum of two hundred and fifty dollars, and one with one or more securities jointly in the sum of two hundred and fifty dollars, for the appearance of the defendant at the next term of the county court of the county from which said capias issued; and said court shall have the same powers in case of forfeiture to enforce the collection of the amount of the bail as the circuit court has to enforce the collection of forfeited recognizances; and said court shall have the same powers to try the defendant in all things as though he had been bound over by a justice of the peace, and he may make the same defense he could if bound over by a justice of the peace.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER LXXX.

AN ACT to repeal a part of an act passed 27th February, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the last clause of the seventh section of chapter one hundred and forty-one of an act passed 27th February, 1852, "entitled an act to authorize an executor or administrator to resign his office, and for other purposes," be and the same is hereby repealed; which clause reads as follows: "Nor shall it be obligatory upon the court to order the removal of the guardianship, but the same shall be discretionary with the court, when a proper state of facts shall be presented." *Provided*, this act shall not be construed to affect any case heretofore determined by any county court in this State, should the same be again brought up by appeal or otherwise.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 29, 1853.

## CHAPTER LXXXI.

AN ACT in regard to the navigation of Frenchbroad river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John W. Moser, Joseph Graham, S. W. Inman, N. B. Swan, Joseph W. Headrick, I. H. Carson and William A. Moore, be, and the same are hereby appointed commissioners to view and examine a dam constructed under an appropriation made by the State to improve the navigation of Frenchbroad river at or near Copeland's old mill, in Jefferson county; and that they be required to report upon oath to the county court of said county whether the same or any part of said dam is an obstruction to the navigation of said river; and if said commissioners, or a majority of them report that said dam or any part of it is an obstruction, the county court sha'l appoint suitable persons to remove such portion of said dam as is declared an obstruction; *provided*, the persons appointed will

perform the labor of removing the obstruction at their own expense, and without compensation for the same.

SEC. 2. *Be it further enacted*, That all laws and parts of laws heretofore passed, making and declaring Little river, in Blount county, navigable, be, and the same are hereby repealed. *Provided*, however, that that portion of said river, from Kirby's Mills down to the mouth of the same, shall be considered a navigable stream, and shall not be obstructed by mill dams, or otherwise.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER LXXXII.

AN ACT for the better protection of the bodies of deceased persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be unlawful and criminal for any person to disinter the body of any free white person in this State, or to remove, violate or disturb the body of any deceased free white person, which has been placed in any grave, vault, or last resting place; and whosoever shall be guilty of either of said offences shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall be fined not exceeding one thousand dollars, and be imprisoned at the discretion of the court; and all persons aiding or abetting, either before or after, in any such offence, shall be adjudged principals in the first degree. *Provided*, that the relations or friends of the deceased may disinter or remove such bodies to other places of interment or safe-keeping; and, *provided, further*, that the bodies of malefactors may be disinterred and removed for anatomical purposes.

SEC. 2. *Be it enacted*, That any person or persons who shall disinter, remove, or violate the body of any deceased negro or mulatto, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as other cases of misdemeanor, at the discretion of the court. *Provided*, that with the assent of the owner of said deceased negro, if a slave, and if a free person, with

Bodies of negroes or mulattoes..

the assent of his nearest living relative, such disinterment, removal and violation may be made for anatomical purposes.

SEC. 3. *Be it enacted*, That this act shall not affect any law now existing for the protection of vaults, tombs, tombstones, cemeteries, or their enclosures; but the same shall continue in full force.

WM. H. WISENER,  
*Speaker of the House of Representatives,*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER LXXXIII.

AN ACT to condense and bring into one view, all the laws now in force with regard to education and Common Schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the secretary of state to make a compilation of all the laws in relation to education and common schools, and publish the same in pamphlet form for distribution in every school district in this state.

SEC. 2. *Be it enacted*, That all laws enacted this session shall be included in such school laws as are provided to be condensed and published by this act.

SEC. 3. *Be it enacted*, That the acts so condensed, shall be appended to the acts passed this session of the general assembly.

WM. H. WISENER,  
*Speaker of the House of Representatives,*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER LXXXIV.

AN ACT to enable the Trustees of the State Hospital for the Insane in Tennessee, to extend and complete the same, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the provisions of the fifth section of an act passed on the 5th of February, 1848, entitled "an act to provide for the establishment of a State Hospital for the Insane in Tennessee," be, and the same are hereby continued in force, for the years 1854 and 1855; and the funds arising therefrom, shall be placed to the credit of said State Hospital for the Insane in Tennessee, by the comptroller and treasurer of the State, to be used by the trustees of said State Hospital in extending and completing said building, according to the plan heretofore made out and furnished by the architect of said building.

SEC. 2. *Be it enacted*, That the treasurer of the State shall pay out said funds to said trustees as he does the other monies of said institution for the insane. But in no greater sums than three thousand dollars at one time. Treasurer to pay out.

SEC. 3. *Be it enacted*, That the trustees shall have the same compensation as heretofore provided by law, and that the trustees residing out of Davidson county when summoned by the president of the board of trustees, shall receive eight cents per mile for each mile traveled on the trip, and two dollars per day for each day engaged in obeying the summons aforesaid. Compensation to trustees.

SEC. 4. *Be it enacted*, That the superintendent and physician of the Lunatic Asylum shall receive for his services two thousand dollars per annum; and that all laws in regard to a matron of said institution, be, and the same are hereby repealed; and that the superintendent shall have the appointment and control of all subordinates in said institution; and that the said salary of the superintendent be paid out of the treasury of the State; and the comptroller is hereby authorized to issue his warrant for the same. Salary of Superintendent; and matron abolished.

SEC. 5. *Be it further enacted*. That the usual annual appropriation of six thousand dollars be increased two thousand dollars, so as to make it eight thousand dollars, to defray the current and ordinary expenses of said institution for the insane, and is hereby made and ordered to be paid out as heretofore and for the purposes heretofore, out of any monies in the treasury not otherwise appropriated. Annual appropriation increased.

Charge for  
patients.

SEC. 6. *Be it further enacted*, That the 13th section of said act of the 5th of February, 1848, shall not be construed so as to embrace any other persons than those charged with offences punishable with death or imprisonment in the penitentiary of the State, and all such persons as have been admitted, or shall hereafter be admitted into said institution under said 13th section, shall be charged the same as county patients are charged.

Non-residents  
not received.

SEC. 7. *Be it enacted*, That from and after the passage of this act, it shall not be lawful for the superintendent to receive into said hospital any insane patient who may be a non-resident of the State of Tennessee.

Treasurer to  
pay to trustees

SEC. 8. *Be it further enacted*, That the treasurer of the State is hereby authorized and required to pay to said trustees, in sums not exceeding three thousand dollars at one time, out of any monies in the treasury not otherwise appropriated, to be used by said trustees in extending and completing said hospital, and to be paid out as other monies are directed to be paid out to said trustees, provided that there shall be a surplus in the treasury sufficient for that purpose; and provided that the tax aforesaid, when collected, shall be placed in the treasury and retained as other monies of the State to an amount equal to that paid out to said trustees, out of the general funds of the treasury; and the comptroller is hereby authorized and required to issue his warrant to the trustees aforesaid, to carry out the meaning and intention of this section; and that this act take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 5, 1854.

## CHAPTER LXXXV.

AN ACT to provide an annual sum for the support and maintenance of the Institution for the education of the Deaf and Dumb at Knoxville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, as follows: That in addition to the appropriation made by the eleventh sec-

tion of an act passed February 3, 1850, entitled "an act to establish Ravenscroft College and for other purposes." the further sum of eight thousand dollars, be, and the same is hereby annually appropriated out of the treasury of the State for the years 1854 and 1855, to the Deaf and Dumb Asylum at Knoxville, to be paid to the trustees of said institution upon the warrant of the comptroller, by instalments every six months, and the first instalment to be paid on the first day of July, 1854. *Provided*, that this act shall be so construed as to allow only the sum of two hundred dollars per annum for each pauper pupil that may be in the Deaf and Dumb Asylum at Knoxville.

SEC. 2. *Be it further enacted*, That no pupil shall be received into said institution, nor into the institution for the education of the blind at Nashville, unless he or she be a citizen of this State, unless students admitted from other States, pay in advance, their expenses annually; in which case no one shall be excluded if there be room for their accommodation; but pupils of this State shall, in all cases, have the preference.

Non-resident  
pauper pupils  
not received.

SEC. 3. *Be it further enacted*, That the sum of five thousand dollars, be, and the same is hereby annually appropriated out of the treasury of the State, to the Memphis Hospital for the years 1854 and 1855, to be paid to the treasurer of the board of trustees thereof, upon the warrant of the Comptroller of the State, by instalments every six months, and the first instalment to be paid on the first of July, 1854.

Memphis  
hospital.

SEC. 4. *Be it further enacted*, That the board of aldermen of the city of Memphis, at their first meeting in April next, shall elect seven trustees for the said Memphis hospital, to serve as such for the ensuing two years and until their successors are elected.

SEC. 5. *Be it further enacted*, That the board of trustees of the Memphis hospital shall cause to be published in at least two newspapers of said city, once every month, a statement of the number of patients received in said hospital the preceding month; their names, residence, disease, age and sex, specifying those who have died, and those who have been cured and discharged.

SEC. 6. *Be it further enacted*, That the sum of thirty-five hundred dollars be, and the same is hereby annually appropriated out of the treasury of the State, for the support and maintainance of the hospital of the State of Tennessee at Nashville, for the years 1854 and 1855, to be paid upon the warrant of the comptroller to the mayor and aldermen of the city of Nashville, by instalments

Hospital at  
Nashville.

every six months, and the first instalment to be paid on the first day of July, 1854.

**Trustees to report to legislature.**  
**SEC. 7.** *Be it further enacted,* That it is hereby made the duty of the trustees of the Deaf and Dumb Asylum at Knoxville, the trustees of the Memphis Hospital, and the Mayor and Aldermen of the city of Nashville, to make reports respectively to the next legislature, in which they shall show how the money hereby appropriated has been expended.

**Hospital may be surrendered**  
**SEC. 8.** *Be it enacted,* That the mayor and aldermen of the city of Nashville may surrender the hospital of the State of Tennessee at any time before the first of May, 1854, by passing a resolution to that effect, and notifying the governor thereof; and after the passage of such resolution and notification to the governor, they shall no longer be held accountable to comply with the requisitions of the act passed February 10th, 1852, entitled "an act to create the Hospital of the State of Tennessee," but shall be released from all liability to keep up said institution.

**SEC. 9.** *Be it enacted.* That no medical college shall have access or any control of the State Hospital at Nashville, without the consent of two-thirds of the board of mayor and aldermen of the city of Nashville.

W.M. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 27, 1854.

## CHAPTER LXXXVI.

AN ACT to continue the Construction of the State Capitol.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee.* That the sum of two hundred thousand dollars be, and the same is hereby appropriated to the building of the State Capitol, to be raised in the same manner as the appropriations of 1849, 1850, 1852, and that the same commissioners, together with R. J. Meigs and James P. Clark be continued for the ensuing two years and until the capitol is completed, with the same powers as they now possess.



**Sec. 2.** *Be it enacted*, That the bonds of the State authorized to be issued for the building of the capitol, may be of a denomination not exceeding one thousand dollars, and shall run to maturity in a period not exceeding twenty years; *provided*, said bonds shall not be sold under par; *Provided*, that the building committee be instructed not to expend more money than is appropriated by this act.

**Sec. 3.** *Be it further enacted*, That the vault in the Vault basement story of the capitol is hereby set apart as a burial place for the architect of the State Capitol, in honor of his genius in erecting so grand a work.

**Sec. 4.** *Be it further enacted*, That the north-western room, in the basement story of the capitol, and the office adjoining the same, is hereby reserved and set apart to the use of the United States, for the purpose of holding Federal courts. the courts of the United States therein. And when the United States shall fit up and furnish said rooms, as the courts may desire, they shall hold them during the pleasure of the State of Tennessee for the purpose aforesaid.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER LXXXVII.

**AN ACT** prescribing the duties of Registers, and for other purposes.

**Section 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be the duty of the register in each county in this State, to collect the State tax upon all deeds filed in his office for registration, where, by law a State tax is required to be paid.

**Sec. 2.** *Be it further enacted*, That hereafter the same rate of State tax shall be collected by said register, upon the registration of copies of decrees of any of the courts of record in this State, where said decrees are for the division or distribution of real estate, and required by law to be registered, as is now required by Tax on registration of deeds.

law to be paid upon the registration of deeds for the conveyance of real estate.

**Register to give bond.** SEC. 3. *Be it further enacted,* That each register in this State shall, before he proceeds to collect the tax as prescribed by this act, execute bonds in the sum of one thousand dollars, with good and sufficient security, conditioned as other revenue bonds, for the faithful collecting and paying over all State tax by him collected for the State, upon the registration of deeds or other conveyances, and that he shall account for, and pay over said tax within the time, and in the same manner, as is prescribed by law, for clerks of the county courts to account for, and pay over the State tax by them collected for the State, and shall have the same commissions allowed to county court clerks for collecting the same.

**Not to register until tax and fees are paid.** SEC. 4. *Be it further enacted,* That no register in this State shall be bound by law to receive, file, or register, any deed, or the copy of any decree of any court of record in this State, presented to him for registration in his office, until the State tax due thereon is paid, together with his fee of office, as heretofore prescribed by law.

**Tax on ex parte petitions.** SEC. 5. *Be it further enacted,* That hereafter all *ex parte* petitions filed in any of the courts of record in this State, for the division or distribution of estates, real, personal, or mixed, shall be deemed and held to be suits in court, and that a specific tax of three dollars and fifty cents, be, and the same is hereby levied, for the benefit of the State, upon each of said suits, which the clerk of the court in which said suits are brought, shall collect, account for, and pay over to the treasurer of the State, in the same manner, and at the same time he accounts for and pays over other State tax by him collected. *Provided,* It shall be the duty of all county registers in this State to keep their office at the county town of their respective counties, with all the books and papers pertaining to said office.

**Registers exempt from military duty.** SEC. 6. *Be it enacted,* That county registers shall be exempt from military duty, except in cases of invasion or insurrection.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK.

*Speaker of the Senate.*

Passed, February 20, 1854.

## CHAPTER LXXXVIII.

AN ACT to repeal an act entitled an act, to repeal so much of the forty-eighth section of an act now in force in this State, as provides for the trial of Slaves for Capital offences, and directing the mode of trial in future, passed 9th November, 1816.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed November 9th, 1815, prescribing the manner of trying and punishing all manner of crimes that shall or may be committed by any slave or slaves, be, and the same is hereby repealed.

SEC. 2. *Be it enacted*, That hereafter all indictments against any slave or slaves, in the circuit courts of this State for the crime of murder, shall be held to include a charge of manslaughter, as in other indictments for murder, and the circuit courts shall have as ample jurisdiction in the trial of a slave or slaves charged with manslaughter, as it now has with the trial of offences committed by slaves punishable with death. Crime of murder.

SEC. 3. *Be it enacted*, That any slave or slaves, who shall be found guilty on a charge of manslaughter, shall upon conviction thereof, be punished with corporeal punishment, at the discretion of the jury trying the case, not extending, however, to life or limb. *Provided*, that in all such cases, an indictment or presentment shall first be found by the grand jury, and the same laws and rules, shall obtain as govern the trial of slaves for higher offences. Manslaughter.

SEC. 4. *Be it enacted*, That in all cases arising under this act, costs shall be paid as provided in other offences by slaves within the jurisdiction of the circuit court. Costs.

SEC. 5. *Be it enacted*, That in all cases where slaves shall be convicted of an offence, which by the laws of this State is punishable by death, such punishment shall be inflicted in the county where such offence shall have been committed.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 18, 1853.

## CHAPTER LXXXIX.

AN ACT to establish the County of Powell, and for other Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That a new county be, and the same is hereby established, by taking a part of the counties of Sullivan, Hawkins, Washington, and Green, to be known and distinguished by the name of Powell county, in honor of Samuel Powel, late one of the judges of the circuit courts.

SEC. 2. *Be it enacted,* That the beginning corner of Powell county shall be as follows, viz: commencing at  
**Boundaries.** a poplar tree near the widow Whitlock's, on the Washington and Sullivan county line; thence north 78 degrees east eight miles, to a spanish oak on said line; thence north, 30 degrees west three and one-half miles, to a black oak near Andrew Coin's field; thence north, 13 degrees west one and a half miles, crossing Holston river to the mouth of a creek on the north side of the river, which is the end of the meridian line, ten miles from Blountville; thence on the same line one and a half miles to a stake; thence north, 4 degrees east three miles to spanish oak; thence north, 21 degrees east one and four-fifths of a mile to a stake on the Virginia line; thence with said line south, 87 degrees west twenty-one miles, to a stake on the said Virginia line; thence south, 20 degrees east seven and one-tenth miles to a stake near Holston river; thence south  $23\frac{1}{2}$  degrees east two and a half miles; to a stake in Wesley Phipp's field, which is the end of meridian line, twelve miles from Rogersville; thence south, 22 degrees east, crossing the river two and a half miles to a white oak; thence south, 8 degrees east three miles to a stake; thence south, 6 degrees west seven eighths of a mile, to a pine on the top of Stone mountain; thence with the Green and Hawkins line south, 57 degrees west one and five-eighths miles; thence north, 64 degrees west two-thirds of a mile, to a stake in Myer's Gap; thence north, 69 degrees west three-fourths of a mile, to a stake on the top of Piney mountain; thence south, 46 degrees west one and three-eighths miles, to a stake on Pine mountain; thence north, 45 degrees west three-eighths of a mile, to a stake on the top of Middle mountain; thence south, 45 degrees west one and one-eighth miles, to a stake in Laurel Gap; thence south, 85 degrees west one mile, to a stake on a mountain near C. Brown's; thence south, 40 degrees west two and three-eighths miles, to a stake

in H. Carter's field; thence north, 80 degrees west one and one-eighth miles, to a stake on the top of a mountain near S. G. Lee's; thence north, 48 degrees west thirty-seven chains to a stake; thence south, 42 degrees west six and a quarter miles, to the top of Pine mountain; thence north, 60 degrees west sixty-nine chains, to a stake on the top of the mountain near Days'; thence south, 42 degrees west three and seven-eighths miles, to a stake on Hawkins county line; thence south, 48 degrees east two miles and seven chains, to Guthrie's bridge; thence north, 62 degrees east, up Lick creek one mile and four chains to a stake; thence north, 14 degrees east one and two-fifths miles to a stake; thence north, 28 degrees east three miles to a stake; thence north, 42 deg. [ east ] three miles, to a stake near George Kinney's; thence north,  $39\frac{1}{4}$  degrees east two miles and one-eighth, to a hickory on the spur of a mountain; thence north, 68 degrees east three miles, to a small gum near W. Smith's; thence north, 82 degrees east three miles, to a stake on the top of a ridge near John Rutherford's; thence south,  $68\frac{1}{4}$  degrees east three miles, to a small gum on the Babb's mill road; thence south, 54 degrees east three miles, to a black oak; thence north,  $39\frac{1}{4}$  degrees west three and three-eighths miles, to a large sycamore on the Washington county line; thence with the same north, eleven and a half miles, to a black oak near Barnet Baxter's, which is the end of meridian line, twelve miles from Jonesboro: thence north,  $50\frac{1}{4}$  degrees east one and four-fifths miles to the beginning.

**SEC. 3.** *Be it enacted,* That no part of the citizens of the above named counties shall be stricken off to constitute the new county, without the consent of a majority of the qualified voters within the bounds so stricken off.

**SEC. 4.** *Be it enacted,* That for the due administration of justice, different courts to be holden in the said county of Powell, shall be holden at Fall Branch until the seat of justice for said county shall be located. The county court shall in the intermediate time, have full power to adjourn the courts to such other place in said county, as they may deem better suited for the holding of the same, and for the public convenience, and to adjourn to the seat of justice when in their judgment the necessary arrangements are made, and all writs and other precepts returnable to either place, shall and may be returned to the place to which the court may have been removed by the county court aforesaid, and the said courts to be holden in and for said county of Powell,

Seat of justice.

Courts.

shall be under the same rules, regulations, and restrictions, and shall have, hold, exercise, and possess the same powers and jurisdiction as is prescribed by law for holding courts in other counties in this State; said county shall be attached to the first chancery district, and to the first judicial circuit, and the circuit court shall be holden therein on the first Mondays of April, August, and December, in each and every year.

Old officers  
continued.

SEC. 5. *Be it enacted*, That officers, civil and military in said county, shall continue to hold their offices and exercise all the powers and other functions until others be elected according to law, and the said county of Powell shall elect her officers on the same days, and under the same rules and regulations, and in the same manner as is provided by law for the election of officers in other counties in this State, and the said county of Powell shall be placed upon equal footing, possess equal powers and privileges in all respects as other counties in this State. *Provided*, nothing in this act contained shall be so construed, as to deprive the above named counties from holding and exercising jurisdiction over the territory composing the said county of Powell, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers take place according to law. *Provided*, that nothing in this act contained shall be so construed, as to prevent the above named counties from entering up judgments, or the sheriffs of said counties from selling under such judgments any lands within the bounds of said county of Powell, for taxes, costs, and charges, until the county of Powell is organized.

To vote with  
old counties.

SEC. 6. *Be it enacted*, That the citizens of the county of Powell, in all elections for governor, for members of congress, and for members of the general assembly, shall vote with the counties from which they have been stricken, until the next apportionment of the members of the general assembly, agreeable to the provisions of the fifth section of the tenth article of the constitution.

Commissioners

SEC. 7. *Be it enacted*, That for the purpose of organizing the county of Powell, William Phipps, Jacob Hambleton, Esq., S. H. Ball, R. P. Gott, James Vance, J. W. Fulkerson, Esq., W. S. White, Esq., Joseph Rogers, Alexander A. Hall, T. M. Brandon, and J. H. Crouch, shall be and they are hereby appointed commissioners, who shall take an oath before some justice of the peace, faithfully and impartially to discharge the duties imposed upon them in this act, a majority of whom can act, who shall on or before the fourth Saturday in Sep-

tember next, after giving twenty days notice at four of the most public places, in said county of Powell, open and hold an election for the purpose of fixing upon an eligible site for the county seat of said county of Powell. All those entitled to vote for members of the general assembly, shall be entitled to vote in selecting said site. If there be two or more places put in nomination and voted for, the place receiving a majority of the votes taken in shall thereupon be declared by said commissioners the county seat of Powell county, and in all cases of vacancies that may occur among said commissioners, previous to the organization of the county court of Powell county, the same shall be filled by the other commissioners, and all vacancies occurring after said organization, shall be filled by the county court of Powell county. A majority of said commissioners shall constitute a board competent to do all things herein enjoined on them. They shall keep a regular record of all their proceedings as commissioners, which shall be returned to the county court of Powell county at its first session, and the same shall be recorded by the clerk thereof on the records of said court, and they shall make such other returns, after the organization of said court as shall be directed thereby.

Sec. 8. *Be it enacted*, That it shall be the duty of said commissioners, first to give twenty days notice in one public place, or more if they think necessary, of the time and place to open and hold an election, at one place or more in each of the fractions stricken off from the counties of Hawkins, Green, Sullivan and Washington, for the purpose of ascertaining whether a majority of the voters residing in those fractions, are in favor of or opposed to the establishment of Powell county; and all persons qualified to vote for members of the general assembly who have resided in the fractions proposed to be stricken off, six months next preceding the day of the election, shall be entitled to vote for the establishment of the new county, shall have on his ticket the words "new county," and those voting against the new county shall have on their ticket the words "old county," and if upon counting all the ballots, the judges of the several elections shall return that a majority of each of the fractions respectively have voted for the new county, then the county of Powell shall be and the same is hereby declared to be a county, with all the powers, privileges, and advantages, and subject to all the liabilities with other counties in this State.

Vote to be taken.

Sec. 9. *Be it enacted*, That the 5th, 8th, 10th, 11th,

12th, 13th, 14th, and 17th sections of an act, passed on the 17th of December, 1849, establishing the county of Scott, is hereby adopted and made a part of this act so far as is consistent with the same.

Lawrence and  
Lewis county  
lines.

SEC. 10. *Be it further enacted*, That the dividing line between Lawrence and Lewis counties be so changed, that all of that part of the north-western portion of the county of Lawrence, lying immediately south of and adjoining the county of Lewis, which may be left after surveying out and setting apart to said county of Lawrence its constitutional territory, as hereinafter mentioned, shall be included in and attached to the county of Lewis. *Provided*, it shall not appear that the county of Lewis, as enlarged, is not a constitutional county.

County court of  
Lewis to pass  
an order.

SEC. 11. *Be it enacted*, That before any such change shall take place, the county court of Lewis county, a majority of the acting justices of the peace being present and voting in the affirmative, shall pass an order notifying the county court of Lawrence county, that they desire to have said county of Lawrence surveyed out, and its constitutional territory set apart to it, as hereinafter mentioned.

Surveyor.

SEC. 12. *Be it enacted*, That it shall be the duty of the county court of Lawrence county, on receiving the above mentioned notice, to appoint some competent and suitable person to make said survey, who shall have power to employ at the expense of said county of Lewis, chain carriers, a marker, flag bearer, a pack horse man, and such other persons as may be necessary to assist him in making said survey, and who shall together with said chainers and marker before commencing said survey, take and subscribe an oath before some justice of the peace in the county of Lawrence, faithfully, honestly, and correctly to perform the duties imposed upon them by this act, to the best of their knowledge and belief.

Boundaries.

SEC. 13. *Be it enacted*, That said survey shall begin at the south-east corner of the county of Lewis, on the north boundary of Lawrence, and run thence eastwardly with the north boundary of said county of Lawrence to the north-east corner of the same; thence southwardly with the west boundary of Giles county, to the Alabama State line; thence westwardly, with the same to the south-east corner of Wayne county; thence northwardly with the same so far, that by running east and north to the beginning, will include in the county of Lawrence six hundred and twenty-five square miles, its constitutional territory.



SEC. 14. *Be it enacted*, That said survey when made shall be returned to the next quarterly term of the county court of Lawrence county, and the change in the dividing line between Lawrence and Lewis counties as herein mentioned, shall take effect from and after the time said survey is received and approved by said county court of Lawrence county.

SEC. 15. *Be it enacted*, That the county of Lewis shall <sup>Costs.</sup> pay all of the cost of making said survey.

SEC. 16. *Be it enacted* That Alexander Lutes and Z. M. Johnson be appointed commissioners in place of A. <sup>Commissioners</sup> Murphy, dec'd, and Benjamin Watkins, Esq., removed, and that said commissioners have power to fill vacancies should any occur.

SEC. 17. *Be it enacted*, That said commissioners shall have power to order a resurvey of any part of the county line of Taylor county, and make such changes in the same as not to run nearer the town of Savannah than twelve miles, and they shall have power to make such <sup>Taylor county.</sup> changes in the line between Taylor and Wayne counties, so as to include such portions of the county of Wayne in Taylor county as may be agreed upon by the commissioners, and a majority of the voters proposed to be taken from Wayne and added to Taylor county. *Provided*, said change of county lines shall not run nearer the town of Waynesboro than twelve miles.

SEC. 18. *Be it further enacted*, That the State and <sup>Revenue of</sup> county tax to be collected off of the new county of <sup>Union county.</sup> Union, for the year 1854, shall be collected by the sheriff or tax collector of said county, and the county tax so collected, shall be applied to the use of Union county, and the State tax shall be paid to the treasurer of the State. *Provided*, said county shall become organized by the 15th of May, 1854.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate..*

**Passed, March 2, 1854.**

## CHAPTER XC.

AN ACT to amend the Act of the 7th of February, 1850, chapter 72, entitled an "Act to authorize the formation of Turnpike Companies."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed the 7th day of February, 1850, chapter 72, entitled "An act to authorize the formation of Turnpike Companies," be, and is hereby so amended, that whenever ten per cent of the capital stock of any turnpike or plank road company shall be subscribed, it shall be the duty of the subscribers for stock to call a meeting of the stockholders at such time and place as they may deem expedient, for the purpose of holding the first election of directors; at which election, at least three of the subscribers for stock shall preside as commissioners, and all votes be by ballot; each stockholder being entitled to one vote on each share he may own. Stockholders may vote by proxy, under such regulations as may be prescribed by the commissioners at the first election, and by the by-laws adopted for all subsequent elections, and all elections after the first shall be held on the first Monday of December, and for such annual elections, thirty days notice shall be given by the president in some newspaper in the county or counties through which the road may run, if there is any such paper, and if not, by written handbills. And all stockholders voting after the first election, must have or owned the stock to be voted on, at least, thirty days before such election.

Directors to take oath. SEC. 2. That the directors when elected shall each take an oath or affirmation diligently and impartially to discharge the duties of his office, on the day they go into office, and then on any day thereafter elect such officers, agents, and servants as their by-laws may prescribe.

Gates and toll. SEC. 3. Any company formed under this act, which may have completed any two and one half miles of continuous road, may erect a toll gate and receive thereat one-half of the toll allowed for five miles of completed roads, and when they may have completed five miles or more of their road, it may be optionary with the company to keep two and one-half mile gates or five mile gates. *Provided*, that no higher rates of toll shall be allowed at any gate within two and one-half miles of another gate, than one-half of the rates which are allowed by the acts to which this is an amendment, for five miles of road.

**Sec. 4.** Plank roads constructed under this act, shall be graded not less than twenty-two feet in width, with one or more plank tracts of plank not less than two and one-half inches in thickness, or less than eight feet in length. Style of road.

**Sec. 5.** That if any toll gatherer on any turnpike or plank road, shall unnecessarily detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than shall be allowed by law on such road, he shall for every such offence forfeit and pay to the individual so detained or any person who will sue for the same, a sum not exceeding fifty (50) dollars, to be recovered with costs of suit, before any justice of the peace having competent jurisdiction thereof, without stay of execution. *Provided*, no suit shall be commenced against any toll gatherer for any offence committed or penalty incurred under this section, unless the same shall be commenced within twenty days from the time of committing or incurring same, and the defendant or defendants in such an action may plead the general issue and give this act and special matters in evidence. Penalties on gate keeper.

**Sec. 6.** The debts and liabilities of any company formed under this act, shall not exceed the amount of the capital stock.

**Sec. 7.** That when any road under this act shall be commenced before the whole capital stock is subscribed, the profits of the same arising from tolls, shall be reinvested in the construction of the road and become additional capital stock, and assigned by the directors to the stockholders of the company as stock dividends, and when their road is completed, the directors shall declare such dividends of the accrued profits of the road, or such a proportion thereof as they may deem most expedient for the interest of the company, as often as once in six months. Dividends to be re-invested.

**Sec. 8.** It shall and may be lawful for any turnpike or plank road company, for the purpose of constructing, building, and maintaining any road or roads authorized by this act, to respectively issue the bonds of such company to an amount not exceeding double the amount of the cost of such portion of their road as is actually completed, and upon which toll gates are erected—said bonds to be issued in such sums and in such forms, as the board of Directors of said several companies may each prescribe, and to bear interest, not to exceed eight (8) per cent per annum, and become payable at such time or times, and place or places as they may severally Company may issue bonds.

designate, and for the redemption of which the faith of said companies are hereby respectively pledged, together with the property, rights, and franchises thereto belonging. *Provided*, that nothing herein contained, shall be so construed as to authorize bonds to be issued of a less denomination than (\$100) one hundred dollars, or in the similitude of bank notes.

**Branch roads authorized.** SEC. 9. That companies under this act may construct branches to their main tracts, or build laterals from branches, or extend their main lines, or change the route of their roads or any part thereof, which branches, laterals, extensions, or changes of route shall in all respects be governed by the same rules, and effected by the same laws as the main trunk of the road, and the capital stock of any company may be increased to an amount sufficient to finish their original main road and branches, as well as for the purpose of extending their main line, original branches or laterals, or to build new branches or laterals, and which stock may be created and offered to the original stockholders on such terms, conditions, and payments as the directors may decide, and if not accepted and paid for by the original stockholders, then it shall be offered to the public on the same terms, and the right of way for any such branches, laterals, and extensions, shall be acquired by the company in the same manner as is now provided by this act for main tract roads.

**Mile posts and rates of toll.** SEC. 10. That all turnpike and plank road companies as contemplated by this act, shall put up posts at the end of each mile, with the number of miles from some noted point or place, and also in a conspicuous place near each gate shall be placed a board with the rates of toll payable at each gate painted thereon, and no toll shall be demanded unless such posts and boards are kept up.

SEC. 11. Every person who shall, 1st, wilfully break, cut down, deface, or injure any mile post or stone on any turnpike or plank road; or 2nd, wilfully break or throw down any gate; or 3rd, dig up or spoil, or deface any part of such road, or any house, or any thing thereunto belonging; or 4th, forcibly or fraudulently pass any gate thereon, without having paid legal toll, for each offence shall be liable to indictment in the circuit court of the county in which such act shall be committed or such toll gate situated; and if found guilty, shall be punished by a fine of not less than one dollar, nor more than (\$500,) five hundred, to be fixed by the jury; said fine to go to the benefit of the county in which such prosecution may take place; and the person so

offending, shall also be liable to the turnpike or plank road company so injured, for damage done them, to be recovered by suit.

**SEC. 12.** All contracts and agreements authorized by the president and directors of each company, shall be binding on the company without seal, or such mode of authentication may be used as their by-laws may adopt.

**SEC. 13.** That for the purpose of constructing any road or roads, which any company or companies formed under this act may desire to build, and for no other purpose, such company or companies may own and possess slaves, lands, saw-mills; the labor of which slaves shall not be employed on any object other than the road and labor incident thereto; and the land shall be put to no other use than for procuring of timber, rock, gravel, or other material, for building the road; and the mills shall alone be used for the purpose of sawing lumber for the construction of the road. Company may buy land and other property

**SEC. 14.** That when lands cannot be had by gift or purchase, the operations of the road or roads are not to be hindered or delayed during the pendency of any proceedings to assess value, nor shall any injunction or supersedeas be granted or allowed by any judge or court, to delay the progress of such work. *Provided*, said company tender bond and security to the party whose land is sought. Legal process not to stop the work.

**SEC. 15.** If by a decree or otherwise any company organized under this act shall be dissolved, the president and directors of said company are created trustees, with such powers only as may be necessary to collect the debts due the company, preserve the property, pay the debts, and distribute the property and effects of the company to those who may be entitled thereto, under this act. Route of road.

**SEC. 16.** *Be it enacted*, That all companies under this act shall locate their road or roads and branches thereof, on the shortest and most direct and practicable route from one terminus to another, having regard to economy in the cost of construction, but may commence the building of the main road at one or more points of said route, extending in the direction of a terminus. *Provided*, that the construction of branch roads shall commence at the main trunk of the road.

**SEC. 17.** *Be it enacted*, That the discretionary powers of the county courts in relation to bridges in section seven, to which this is an amendment, be extended and made applicable to the levees, embankments, and hollow bridges, connecting and forming portions of any Bridges.

companies' road formed under this act, which crosses overflowed bottoms, requiring that embankments and hollow bridges, shall not be less than fourteen feet or over twenty-two feet wide, and that the same shall at all times be above overflow, and extend from high land to high land. *Provided*, that the Ocoee Turnpike and plank road company, shall not be subject to the general provisions of this act.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 10, 1854.

## CHAPTER XCI.

AN ACT to authorize the county court of Blount county to subscribe stock in the Knoxville and Charleston Railroad Company, and issue county bonds in payment of the same.

*Whereas*, The County Court of Blount county, at the April term, 1853, subscribed one hundred and twenty thousand dollars of stock in the Knoxville and Charleston Railroad Company, to be payed in six equal annual payments, the first payment to fall due on the first day of September, 1854, upon the condition however, that the legislature shall authorize the said county court of Blount county, to issue county bonds in payment of said subscription; said bonds to be made payable thirty years from and after the date of their issuance. And, whereas, the said county court directed the sheriff of said county, to open and hold an election at the several precincts and places of voting in said county on the 25th day of May, 1853, after giving thirty days' notice in writing, in all the civil districts in said county, as prescribed by an act of Assembly, passed on the 22d day of January, 1852, to ascertain the sense of the legal voters of said county, whether they were for or against said subscription. And, whereas, a large majority of the votes polled at said election, were in favor of said subscription; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Blount county is authorized and required to make an order that

their chairman shall subscribe one hundred and twenty thousand dollars of stock in the Knoxville and Charleston Railroad Company in the name of said county, and take a certificate therefor. Said subscription to be paid in six equal annual payments, the first payment to fall due on the first day of September, 1854.

SEC. 2. *Be it further enacted*, That the said county court is authorized to cause their chairman to issue county bonds, with coupons attached, in payment of said subscription, at their nominal value, payable to the president and directors of the said Knoxville and Charleston Railroad Company, or bearer. Said bonds to fall due thirty years from and after their issuance, bearing six per centum interest per annum, payable annually. The same shall be signed by the chairman, and countersigned by the clerk of said court; *provided*, however, that not more than twenty thousand dollars of said bonds shall be issued in any one year. County bonds  
to issue.

SEC. 3. *Be it further enacted*, That for the purpose of paying the annual interest upon the bonds directed to be issued by the second section of this act, the said county court is authorized to set apart and sell for cash, from time to time, as required, so much of those bonds as shall be sufficient to pay the interest upon the bonds thus issued. *Provided*, however, that no greater amount than twenty thousand dollars of bonds shall be thus used in the payment of the interest as before specified. Interest  
provided for.

SEC. 4. *Be it further enacted*, That the amount of bonds thus set apart and disposed of, for the payment of interest, as authorized by the third section of this act, shall be deducted from the amount of county stock in said railroad company.

SEC. 5. *Be it further enacted*, That should the county court set apart and dispose of a portion of their bonds for the payment of interest as provided for in the third section of this act, and the proceeds of the same shall have been expended in the payment of interest, and should the dividend of the county stock not be sufficient to pay the annual interest upon the county bonds, then it is made the duty of the county court to levy an annual tax upon the taxable property and persons, by law liable to taxation within the county, sufficient to pay the annual interest upon said bonds; which tax shall be levied and paid upon the principles of levying the State and county tax, and to be levied at the same time, by said court. *Provided*, however, that merchants and druggists shall be required to pay the same rate of tax upon each hundred dollars worth of their capital stock To levy tax.

that is levied upon other property, and no more. The amount of capital stock of merchants and druggists shall be estimated from year to year by their last previous return to the clerk of the county court, when obtaining their license. Said tax shall be called railroad tax, and shall be kept distinct from the other taxes of the county.

Taxes, how  
collected.

SEC. 6. *Be it further enacted*, That the sheriff, or revenue collector, before entering upon the discharge of the duties prescribed by this act, shall execute a bond with security, to be approved by the county court, in double the sum which shall be expected to be collected during the year then to ensue, payable to the chairman of the county court, and conditioned to account for and pay over to the county trustee, all the funds which shall come into his hands; upon which bond, suit or suits may be instituted, as is prescribed by the laws of this State; and the said sheriff, or revenue collector, shall have the same powers and be subject to the same duties and liabilities in the collection of said taxes, as he has by the existing laws in the collection of other county taxes; and the property that is subject to the payment of county and State taxes, shall also be liable for the payment of the railroad tax.

Collector to  
pay over.

SEC. 7. *Be it enacted*, That it shall be the duty of the sheriff or revenue collector of the county, to pay over the money collected by him, as such railroad tax, to the county trustee, within the time in which he is now required to pay over other county revenues. And it shall be the duty of the county trustee, under the direction of the county court, out of the proceeds of said railroad tax, to apply the same to the payment of the interest on the bonds so issued for stock.

Certificate  
of stock.

SEC. 8. *Be it further enacted*, That as the railroad tax collector shall receive the tax, he shall give the person paying, a certificate showing the amount paid, which certificate may be traded, assigned or transferred. *Provided*, said certificate shall first be countersigned by the clerk of the county court, whose duty it shall be to countersign such certificate upon their presentation to him for that purpose; and so soon as any person or corporation shall hold and present such certificates amounting to one share or more in said railroad company, then the president and directors of said railroad company, shall issue to such person or corporation a certificate of stock; and such certificate of stock shall entitle the holder thereof to the like rights and privileges as other stockholders in said company.

SEC. 9. *Be it further enacted*, That there shall be a



corresponding amount deducted from time to time, from the county stock in said company, to the amount of stock issued to individuals or corporations upon certificates presented, as provided for in the eighth section of this act.

Sec. 10. *Be it enacted*, That it shall be the duty of the Tax list clerk of the county court to make out duplicate lists of the said railroad tax, showing the amount that each person has to pay ; one of which shall be recorded in his office, and the other delivered to the said railroad tax collector.

Sec. 11. *Be it enacted*, That the trustee of the county aforesaid, shall annually settle with the railroad tax collector ; and it shall be his duty to proceed against a defaulting collector, as is prescribed by law against revenue collectors ; and defaulting tax payers shall be proceeded against in the same manner as is prescribed for the collection of other taxes. Said settlement shall, from time to time, be filed with the clerk of the county court, and be recorded. Settlement with trustee.

Sec. 12. *Be it enacted*, That it shall be the duty of the county court to appoint a proxy, from time to time, who shall represent the county and stock so subscribed, in all elections and general and called meetings of the stockholders, to the extent of the stock so subscribed and owned by said company. County stock.

Sec. 13. *Be it further enacted*, That the stock so taken shall belong to the county, and shall be deemed and held as a county fund, and the dividends which may accrue thereon, shall constitute a fund for the purpose of paying the interest on the bonds issued by the county, and the overplus, if any, shall constitute a sinking fund, to be applied to the payment of the bonds, all of which shall be under the control and direction of the county court.

Sec. 14. *Be it further enacted*, That the monies raised under the provisions of this act, shall be expended within the county of Blount, or as near thereto as practicable. *Provided*, the county court shall have power to appropriate, out of any county monies, not otherwise appropriated, such sum or sums as may be necessary to pay the incidental expenses (if any,) which may be required to carry out the provisions of this act.

Sec. 15. *Be it further enacted*, That the county court shall annually fix the fees of the collector of the railroad tax, also the fees of the county trustee, for his service in receiving and disbursing the said railroad tax ; and the clerk shall be allowed such fees as are allowed him for making out lists of the State and county taxes. Fees.

**Sec. 16.** *Be it further enacted,* That any circuit court shall have power, upon application of any person interested, to issue writs of mandamus, to compel the county court, or any person charged with any duties, to perform the duties imposed by this act; and in like manner the county court shall have power to compel the said railroad company, in good faith, to carry out the provisions of this act so far as said company is required by said act so to do.

**Sec. 17.** *Be it further enacted,* That the county court, a majority of all the justices agreeing thereto, and the president and directors of the Knoxville and Charleston Railroad Company, or such other company as the said Knoxville and Charleston Railroad Company may be merged into, shall have power, at their discretion, to change the time of the payment of said county subscription, so as to reduce the number of instalments, and issue the bonds accordingly, and to regulate the payment of the interest, so as better to facilitate the construction of said road. *Provided,* however, that said change or agreement made between the parties, shall be reduced to writing and signed by the chairman of the court, and by the president of said railroad company, and recorded in the county court, and registered by the Register of Blount county; which said agreement shall be binding upon the respective parties, both in law and equity.

**Sec. 18.** *Be it further enacted,* That the county court may, at their option, a majority of all the justices in the county agreeing thereto, levy an annual tax sufficient to meet the interest upon the county bonds thus authorized to be issued, instead of setting apart a portion of said bonds, as directed in the third section of this act; said taxes to be levied and collected upon the same principles, and subject to all the conditions, regulations and restrictions, as prescribed and provided for in the fifth and eighth sections of this act. *Provided,* however, should there be a failure to construct the said Knoxville and Charleston Railroad through Blount county to Knoxville, then the county subscription of Blount county shall be null and void.

**Sec. 19.** *Be it enacted,* That the county court of Blount county may make a subscription to the capital stock of the Knoxville and Charleston Railroad Company according to, and under the provisions of this act, or according to the provisions of any general law of the State authorizing county subscriptions to railroads, without any further vote of the people of said county; *provided,*

the county court of said county, a majority of the justices being present, shall so determine, but in no other case.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, January 27, 1854.

## CHAPTER XCII.

AN ACT to change the line between Hickman and Maury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the dividing line between the county of Hickman and Maury be so altered and changed as to include the farm and residence of Philip Hoover in the county of Hickman; and *provided*, further, that the said Hoover shall be entitled to all the rights and privileges as other citizens of Hickman county.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 20, 1854.

## CHAPTER XCIII.

AN ACT to authorize the qualified voters of the 1st civil district, including the town of Lynchburg, in Lincoln county, Tennessee, to elect three Justices of the Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the qualified voters of the first civil district, including the town of Lynchburg, in Lincoln county, shall, from and after the passage of this act, be authorized to elect three justices of the peace for said district and county, according to the law now in

force, providing for the election of said officers in this State.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 10, 1854.

## CHAPTER XCIV.

AN ACT to change the line between the counties of Williamson and Rutherford.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That the line between the counties of Rutherford and Williamson be changed as follows: Beginning on the Bedford county line, and running north, between the lands of Stephen Wood and Longshear Lamb; and thence northward so as to include the dwelling-houses of Thos. L. White, Mr. Rushing and Henry Cromer, to the south-west corner of Drewry Bennett's land; thence north to the east fork of Big Harpeth river, and down said east fork to its mouth; and thence with the line as at present established; and that this act shall take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 20, 1854.

## CHAPTER XCV.

AN ACT for the benefit of the township composed of the 17th civil districts in Monroe and Blount counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sum of three thousand dollars out of any money in the treasury, not otherwise appropriated, be, and the same is hereby set apart as a school fund for the benefit of the township composed of

the 17th civil districts in the counties of Blount and Monroe.

SEC. 2. *Be it further enacted*, That the interest on the said sum of three thousand dollars, be paid to the county trustees of Monroe and Blount counties annually, to be applied by them to said township in the same manner as the proceeds of the school lands are now applied in the Hiwassee district, and subject to the same rights, privileges and restrictions.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

*Passed, February 20, 1854.*

## CHAPTER XCVI.

AN ACT directory to the Comptroller of the Treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the comptroller be, and he is hereby authorized to issue his warrants upon the treasurer, to the following named persons and amounts of money: To M. L. Parrish, for twenty-two dollars and fifty cents; and J. C. Pentecost, for five dollars for hauling and procuring saw dust, placed upon the floor of the House of Representatives; to A. Ashbrooks, for expenses at the inauguration of the Governor, thirty-five dollars; to James Hughes, for three hundred and eighty-two dollars and eighty-three cents, for stone coal for the use of Senate and House of Representatives; to McRoberts & McKee, for one hundred and twenty-seven dollars and sixty-five cents, for stone coal for the use of the State capitol.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

*Passed, January 30, 1854.*

## CHAPTER XCVII.

AN ACT to provide furniture for the Secretary's Office.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State be authorized to procure suitable furniture for his office in the new capitol; and that the comptroller issue his warrant upon the treasury for the payment of the same; *provided*, said furniture shall not cost exceeding fifty dollars.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 21, 1853.

## CHAPTER XCVIII.

AN ACT to extend the time to administer upon estates after the termination of particular estates.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, the period of ten years shall be given after the termination of a life, or any particular estate, to administer upon the estate of persons dying entitled to a vested or contingent remainder in property not vested in their possession, during their life time.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER XCIX.

AN ACT to legalize certain proceedings in the county of Humphreys.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all acts heretofore done by persons in the names of the former county court clerks and registers of Humphreys county, by verbal authority, shall be as valid and binding in all things, as if done by said clerks and registers in proper person. *Provided*, said act shall not affect any title to land, or law suit now pending in said county of Humphreys.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 3, 1853.

## CHAPTER C.

AN ACT authorizing the election of a Magistrate in the town of Tullahoma.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the citizens of the town of Tullahoma are hereby authorized and empowered to elect a magistrate in said town, in addition to the number heretofore allowed to the civil district in which the said town is situated; the election to be held under the same rules and regulations, and at the same time of holding elections for magistrates in the district of the county; and such magistrate, when elected and commissioned, shall have and exercise all the powers of other magistrates of the county of Coffee.

SEC. 2. *Be it further enacted*, That the qualified voters within the corporate limits of the town of Yorkville, in the county of Gibson, shall, from and after the passage of this act, be authorized to elect a justice of the peace for the corporation of said town of Yorkville, according to the law now in force providing for the election of said officers in this State; and that said justice of the

Town of  
Yorkville.

peace shall have the same jurisdiction that other justices of the peace have in this State.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed March 1, 1854.

## CHAPTER CL

AN ACT to establish a Chancery Court in the town of Purdy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of McNairy shall constitute a separate chancery district, and that the court of the same shall be held by the chancellor of the western division of the State of Tennessee, at the court house in the town of Purdy, in the county of McNairy, on the fourth Thursday in March and September, in each and every year; that it shall be the duty of said chancellor to appoint a clerk and master of said county, who shall give bond and security, and shall be subject to all the duties and liabilities now by law imposed upon said office.

SEC. 2. *Be it further enacted*, That the counties of Perry and Decatur shall constitute a separate chancery district, and that the courts of the same shall be held by the chancellor of the western division of the State of Tennessee, at the court house in the town of Decaturville, in the county of Decatur, on the third Monday in December and June in each and every year; and a court shall be held at the town of Linden in the county of Perry, on the Thursday next succeeding the third Monday in December and June in each and every year.

SEC. 3. *Be it enacted*, That the county of Dyer shall constitute a separate chancery district, and a chancery court for the same shall be established, to be held at the town of Dyersburg, on the first Mondays in May and November in each and every year.

SEC. 4. *Be it enacted*, That the cases of the citizens of the county of Dyer, now pending in the chancery court at Trenton, in Gibson county, shall, upon the order of the said court at Trenton, be transferred to the court hereby established; and the clerk and master of said

Chancery  
 Court at Deca-  
 turville and  
 Linden.

Court at Dy-  
 ersburg.



court at Trenton shall make out and transmit to the clerk and master of the court at Dyersburg, transcripts of all the orders made in the cases, together with all the original papers in the cases; and the clerk and master of the said court at Dyersburg shall order the cases so transferred, on the docket of his court.

SEC. 5. *Be it enacted*, That this act shall take effect immediately from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 1, 1854.

## CHAPTER CII.

AN ACT to grant the aid of the State to the Ocoee Turnpike and Plank Road Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That upon application of the president and directors of said company, the Governor shall issue the bonds of the State of Tennessee to said company, to the amount of twenty thousand dollars, payable in thirty years or less, as the president and directors of said company may determine, bearing interest at the rate of six per cent per annum, payable semi-annually.

SEC. 2. *Be it further enacted*, That to secure the payment of the interest upon said bonds as the same may become due and the principle at maturity, and to save the State from loss by reason of the issuance of said bonds, a lien upon the entire road, together with the stock subscribed, fixtures and effects belonging thereto, is hereby created and reserved to the State of Tennessee; which said lien or mortgage, shall accrue and be in full force and effect upon the issuance of said bonds, and by virtue of the same; and the State of Tennessee shall be invested with said lien without any deed or other conveyance from said company for the payment by said company of said bonds, with the interest thereon, as the same becomes due.

*Lien created.*

SEC. 3. *Be it further enacted*, That should said company fail, neglect, or refuse, at any time, to pay the interest or principal of said bonds for the space of sixty

*Failure to pay interest.*

days after the same shall become due, it shall be the duty of the Governor to appoint an agent upon the part of the State, whose duty it shall be to take charge of said road, with the effects, fixtures and toll gates belonging to said road, together with the stock books of said company; and who shall, after giving forty days' public notice thereof, in some public newspaper published in the vicinity of said road, proceed to sell the same to the highest bidder, upon such terms as the Governor or the Legislature shall direct; the proceeds of which said sale shall be applied, first, to the liquidation of said bonds and the interest accrued thereon, in such manner as the Governor or the legislature may direct, and the residue shall be distributed *pro rata* among the stockholders of said road.

**Commissioners** SEC. 4. *Be it further enacted*, That Neil S. Brown, T. Nixon Vandyke, and John C. Gaut are hereby appointed commissioners on the part of the State.

**Per cent to be paid on bonds.** SEC. 5. *Be it further enacted*, That after the first day of January, 1856, said company shall provide and pay into the treasury of the State, each year, five per centum on the amount of bonds herein provided to be issued, and after the first of January, 1860, eight per centum per annum. Said fund so to be raised and paid into the treasury for the purpose of paying said bonds when they become due.

SEC. 6. *Be it further enacted*, That the commissioners appointed on the part of the State shall see that the bonds asked for under this act shall not be applied in any other way than to the unfinished part of the road, and that the bonds shall not be sold for less than their par value.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 9, 1854.

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## CHAPTER CIII.

AN ACT for the benefit of Humphreys county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. J. Wyly of the county of

Humphreys, be, and he is hereby declared to be a body politic, to sue and be sued, plead and be impleaded, in any of the courts of law in this State; and he is hereby authorized to open and construct a turnpike road, beginning on the Tennessee river at Reynoldsburg, and running through Waverly in the direction of Charlotte, for the distance of thirteen miles. <sup>J. J. Wyley's road.</sup>

SEC. 2. *Be it further enacted*, That T. B. Gorin of the county of Humphreys, be, and he is hereby declared a body politic, to sue and be sued, to plead and be impleaded in any of the courts of law in this State; and he is hereby authorized to open and construct a turnpike road, beginning at the terminus of J. J. Wyly's turnpike road, and running in the direction of Charlotte, for the distance of six and one half miles. <sup>T. B. Gorin's road.</sup>

SEC. 3. *Be it further enacted*, That J. H. Wyly, of the county of Humphreys, be, and he is hereby declared a body politic, to sue and be sued, to plead and be impleaded in any of the courts of law in this State; and he is hereby authorized to open and construct a turnpike road, beginning at the termination of T. B. Gorin's turnpike road, and running in the direction of Charlotte, for the distance of six and one half miles. <sup>J. H. Wyly's road.</sup>

SEC. 4. *Be it enacted*, That said J. J. Wiley, after the completion of six and a half miles of said road herein specified, shall be allowed to erect a toll gate on any part of said completed road, and when the balance of said road is completed, he shall be allowed to erect another toll gate, and shall receive the same rates of toll allowed at any toll gate on the Nashville and Charlotte Turnpike road, except the gate on Dog creek. <sup>Toll gates.</sup>

SEC. 5. *Be it enacted*, That said T. B. Gorin, after the completion of his said road, shall be allowed to erect a toll gate on the same, and shall receive the same rates of toll as provided in the foregoing section.

SEC. 6. *Be it enacted*, That J. H. Wyley, after the completion of his said road, shall be allowed to erect a toll gate on the same, and shall receive the same rates of toll as provided in the foregoing section.

SEC. 7. *Be it enacted*, That each of said corporations shall be entitled to all the rights, privileges and immunities conferred, and be subject to all the liabilities imposed by an act, entitled "an act to authorize William J. McClelland to open and construct a turnpike road in Dixon county," passed January 26, 1852. <sup>Rights and powers.</sup>

SEC. 8. *Be it enacted*, That B. B. Spicer, C. E. Harris, V. S. Allen, ——— McCracken, and I. Luter, of the county of Humphreys, be, and they are hereby appointed commissioners <sup>Commissioners</sup>

missioners for the above named turnpike companies; whose duty it shall be to lay out, locate, and superintend the construction and building of said road, as provided in their respective charters.

SEC. 9. *Be it enacted*, That in case any one or more of the above named commissioners fail or refuse to serve as such, then it shall be the duty of the county court of Humphreys county to fill such vacancy or vacancies; and the said commissioners shall be allowed the sum of one dollar and fifty cents each, for each day they may be engaged on said roads; which sum shall be paid by the said company or companies.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 7, 1854.

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## CHAPTER CIV.

AN ACT to secure the completion of turnpike roads in Smith, Wilson and Sumner counties, by State credit.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor is hereby authorized, and it is made his duty to issue, upon their application, to the president and directors of the "Carthage and Hartsville Turnpike Company," six bonds of the State of Tennessee, to the amount of one thousand dollars each, to the president and directors of the "Carthage, Alexandria and Red Sulphur Springs Turnpike company," (when such company shall be chartered and organized,) sixteen bonds of the State of Tennessee, to the amount of one thousand dollars each; and to the president and directors of the "Carthage and Rome Turnpike Company," (when such company shall be chartered and organized, eight bonds of the State of Tennessee, to the amount of one thousand dollars each, payable at fifteen years from the date of their issuance, bearing an interest of six per centum per annum, payable semi-annually. *Provided*, that before the issuance of the bonds by the Governor, as above specified, to the president and directors of the "Carthage and Hartsville Turnpike Company," said company shall first execute

to the State of Tennessee a mortgage, or such lien as the Governor may require, upon the said "Carthage and Hartsville Turnpike Road," and all its fixtures, gates, gate houses and every thing valuable belonging to said road. And, *provided*, that before the issuance of the bonds by the Governor as above specified, to the president and directors of the "Carthage, Alexandria and Red Sulphur Springs Turnpike Company," it shall be the duty of the president and three of the directors of said company, to certify upon oath to the Governor of the State, that there is a sufficient amount of solvent stock subscribed upon said road, together with the amount of bonds herein provided to be issued, to complete said road, and that ten miles of the same have been graded each way from the town of Carthage; and it shall be the further duty of said president and directors, before the bonds are issued, to execute to the State of Tennessee, a mortgage or such lien as the Governor may require, upon the said "Carthage, Alexandria and Red Sulphur Springs Turnpike Road," and all its fixtures, subscriptions of stock, gates, gate houses, and everything valuable belonging to said road. When ten miles of said road shall be graded from Carthage, either way, half the bonds herein provided for said company shall issue, and when the other ten miles shall be graded, the other half shall issue. And, *provided*, that before the issuance of the bonds by the Governor as above specified, to the president and directors of the "Carthage and Rome Turnpike Company," it shall be the duty of said company to grade the whole road from Carthage to Rome, and do all other things required in this act of the president and directors of the "Carthage, Alexandria and Red Sulphur Springs Turnpike Company."

SEC. 2. *Be it enacted*, That it shall be the duty of the president and treasurer of each of said turnpike companies, to make out a written statement upon oath, to the treasurer of the State, of the amount of dividends of their respective roads semi-annually, and such amount of <sup>Companies to pay semi-annually.</sup> dividends shall semi-annually be paid to the treasurer of the State until said roads, respectively, have paid an amount sufficient, together with the legal interest thereon, to liquidate and pay off the bonds and the semi-annual interest upon said bonds issued to such company; and it is made the duty of the "commissioner of roads," to see that this section is strictly complied with.

SEC. 3. *Be it further enacted*, That if there should not be a sufficient amount of money paid to the treasurer of the State at their maturity, to liquidate said bonds

Roads to be sold. and the interest upon them, issued to either of said turnpike companies, then it may be lawful for said commissioner of roads, if thought advisable by the Governor, after giving thirty days' notice in some newspaper published at the city of Nashville, to sell said turnpike road or roads, failing to pay the bonds issued to it or them, to the highest bidder, for cash, and apply the proceeds of such sale to the liquidation of any remaining balance there may be unpaid upon said bonds, or the interest upon them.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER CV.

AN ACT to establish a Chancery Court in the town of Elizabethton, in the county of Carter, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the counties of Carter and Johnson shall constitute a separate chancery district, and that the court of the same be held by the chancellor of the eastern division of the State of Tennessee, at the court house in the town of Elizabethton, in the county of Carter, on the fourth Mondays of May and November, in each and every year; that it shall be the duty of said chancellor to appoint a clerk and master of said court, who shall give bond and security, and shall be subject to all duties and liabilities now by law imposed upon said officers.

Causes transferred. SEC. 2. *Be it further enacted,* That it shall be lawful for the chancellor, upon application of the complainants, and with the consent of the defendants, to order that the causes now pending in the chancery court at Jonesborough, Tennessee, which originated in the counties of Carter and Johnson, be transferred to the chancery court hereafter to be held in the town of Elizabethton.

Clerk to make out transcript. SEC. 3. *Be it further enacted,* That upon any order of transfer being made as provided for in the second section of this act, it shall be the duty of the clerk and master of the chancery court at Jonesborough, within

forty days after the order of transfer shall have been made, to make a complete and perfect transcript of all rules in relation to the same, either upon the record books of said court, or upon the rule docket; and transmit the same, together with the original papers, to the clerk and master of the court at Elizabethton; and the clerk and master shall receive the usual fees to be taxed in the bill of cost. *Provided*, that the citizens of Carter and Johnson counties who may elect to do so, may file their bills in the chancery court at Jonesborough as heretofore; and in such case, the chancellor shall take jurisdiction of such causes as though the same were filed in the court at Elizabethton.

**SEC. 4.** *Be it enacted*, That the county of Meigs shall constitute a chancery district, and a chancery court for the same shall be established, to be held at the town of <sup>Chancery court at Decatur.</sup> Decatur in said county, on the second Mondays of March and September, in each and every year; that it shall be the duty of the chancellor to appoint a clerk and master of said court, who shall give bond and security, and be subject to all the duties, liabilities and penalties, and be entitled to all the privileges and perquisites now imposed upon and allowed such officers.

**SEC. 5.** *Be it further enacted*, That the county of Tipton shall constitute a separate chancery district, and that the court of the same shall be held by the chancellor of the Western division of the State of Tennessee, <sup>Chancery court at Covington.</sup> at the court house in the town of Covington, in the county of Tipton, on the second Mondays of January and July, in each and every year; that it shall be the duty of said chancellor to appoint a clerk and master of said court, who shall give bond and security, and shall be subject to all the duties and liabilities now by law imposed upon said officers.

**SEC. 6.** *Be it further enacted*, That the county of Lauderdale shall constitute a separate chancery district, and that the court of the same shall be held by the chancellor of the Western division of the State of Tennessee, <sup>Chancery court at Ripley.</sup> at the court house in the town of Ripley, in said county, on the first Mondays of January and July, in each and every year; that it shall be the duty of said chancellor to appoint a clerk and master of said court, who shall give bond and security, and shall be subject to all the duties and liabilities, now by law imposed upon said office.

**SEC. 7.** *Be it enacted*, That all suits now pending in the chancery courts at Harrison, Hamilton county, where <sup>Chancery court at Jasper.</sup> the parties, or either of them, live in the county of Marion, may, by and with the consent of the chancellor, be

removed to the chancery court at Jasper, Marion county.

Clerk of Chan-  
cery court at  
Harrison.

SEC. 8. *Be it enacted*, That the clerk and master of the chancery court at Harrison is required, and it is hereby made his duty, as soon as he shall ascertain that the chancellor has ordered the removal of any suit or suits from that court to the chancery court at Jasper, forthwith to file all the papers and documents pertaining to such suit or suits, together with all the rules that have been made in such suit or suits, with the clerk and master of the chancery court at Jasper, whose duty it shall be to enter the same of record in said office.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 10, 1854.

## CHAPTER CVI.

AN ACT to change the line between the counties of McMinn and Monroe.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Monroe and McMinn, be changed so as to include all of Jesse Cunningham's farm in the county of Monroe.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 1, 1853.

## CHAPTER CVII.

AN ACT for the benefit of Henry Grayson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed 22d December, 1851, be so amended as to give Henry Grayson the



farther time of five years to complete his turnpike road in Marion county.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 5, 1853.

## CHAPTER CVIII.

AN ACT to change the line between Rutherford and Cannon counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between Rutherford and Cannon counties, be, and the same is hereby so changed, as to include all the land of John H. Wood, lying in Rutherford county, in Cannon county; and so as to include in Rutherford county the whole of the farms of John D. Alexander and Lewis Creson.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 20, 1854.

## CHAPTER CIX.

AN ACT to change the time of holding the circuit courts of Haywood county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of the act of 1852, chapter 52, be, and the same is hereby repealed; and that hereafter the circuit courts for the county of Haywood shall be held on the fourth Mondays in February, June and October, in each and every year. *Pro-*

vided, that the next term of said court shall be held at the time now fixed by law.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 13, 1854.

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## CHAPTER CX.

AN act to amend an act passed 25th February, 1852, entitled "an act to establish a Chancery Court for the county of Polk.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter all suits in chancery, where the property in dispute lies within the bounds of the chancery district composed of the county of Polk, shall be commenced in the chancery court of said district, held at the town of Benton, in said county; *provided*, that any of the defendants reside in said county of Polk.

SEC. 2. *Be it enacted*, That this act take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, November 18, 1853.

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## CHAPTER CXI.

AN ACT to change the time of holding the Circuit Courts for White county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit court for the county of White, in the 4th judicial circuit, shall, after the first Monday in February, commence their sessions on the last Mondays in January, May and September.

SEC. 2. *Be it further enacted*, That the circuit courts

in Meigs county, Tennessee, shall be held, commencing on the fourth Mondays of January, May and September. This act to take effect from next April term of said court.

WM. H. WISENER,  
*Speaker of the House of Representatives,*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, January 26, 1854.

## CHAPTER CXII.

AN ACT to repeal part of an act in relation to the Chancery court at Dover.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the second section of an act entitled "an act to establish a chancery court at Dover in the county of Stewart, and for other purposes, be, and the same is hereby repealed.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, November 30, 1853.

## CHAPTER CXIII.

AN ACT for the benefit of Frank Hughes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Treasurer issue his warrant to Frank Hughes for the sum of twenty-nine dollars, the same having been paid by said Hughes as interest on money belonging to the State of Tennessee, while deposited in the Bank of Lawrencebrug.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 2, 1853.

## CHAPTER CXIV.

AN ACT to extend the benefit of an act of Congress, Passed on the 28th of September, 1850, to the officers and soldiers who have been engaged in the Military service of the United States, within the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for any of the surviving officers, musicians, or privates, widows or minors, children of such officers, musicians, or privates, who have obtained or may hereafter obtain a warrant or certificate for bounty land from the Department of the Interior, to transfer said warrant for land within the State of Tennessee; and land so purchased by virtue of said warrant, shall be protected against any of said warrantees' debts, in the same manner and to the same extent that it would have been if he, she, or they had located it upon some vacant land belonging to the United States.

Consideration  
set forth on  
face of deed.

SEC. 2. *Be it further enacted*, That when any officer, musician, or private, widow or minor, children of such officer, musician, or private, desires the benefit of this act, it shall be their duty to set forth in the face of their deed of conveyance, the consideration paid for said land, was a bounty land warrant or certificate, with the date or number of said warrant, to whom issued, and the number of acres in said warrant.

SEC. 3. *Be it further enacted*, That this act shall extend to and embrace all who have heretofore or may hereafter obtain land warrants, by virtue of services rendered in the war of 1812 with Great Britain, or in the Indian wars since the year 1790. This act to take effect from and after the passage thereof.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CXV.

AN ACT to amend the act passed December 14th, 1827, entitled "an Act to suppress private Banking.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That before any bank or bank-

ing association, or association of any other State or territory of this Union shall keep an office or agency, or employ any person, association, or corporation in this State, for the purpose of transacting within this State the business which such banking corporation or association was created to transact, it shall be the duty of the agent of the said banking association to make affidavit before the clerk of the county court of the county in which such agency is sought to be established, of the amount of capital of said foreign association, intended to be used in said county, within twelve months after making said affidavit, and pay to the said clerk a tax of one-half of one per cent on the amount mentioned in the affidavit; whereupon it shall be the duty of the county court clerk to issue a license authorizing the said banking association to establish an agency in said county for the use of said amount of capital.

SEC. 2. *Be it further enacted*, That if the agent of any banking association, of any other State or territory in this Union, shall establish an office or agency in this State for the purpose of transacting the business of banking, without having first obtained a license as required by the provisions of the first section of this act, he shall forfeit and pay to the State of Tennessee the sum of (\$10,000) ten thousand dollars for each and every offence, to be sued for in any of the circuit courts of this State where the offender may be served with process, and in any other common law court of this State having general jurisdiction, and the said suit shall be prosecuted in the name of the State of Tennessee by the attorney general of the district where the defendant may be served with process, and the said money when collected shall be accounted for and paid into the treasury as other forfeitures. Penalty on foreign agencies.

SEC. 3. *Be it further enacted*, That it shall be the duty of the county court clerks of each county in this State, to report each and every violation of this act, in his knowledge, to the attorney general for the county in which said clerk resides.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 8, 1854.

## CHAPTER CXVI.

AN ACT to attach the county of Scott to the Sparta Banking District.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Scott be attached to the Sparta banking district, and that said county of Scott be entitled to a Director in the Branch of the Bank of Tennessee at Sparta.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

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## CHAPTER CXVII.

AN ACT to change the time of holding the Winter Term of the Circuit Court for the county of Carroll.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the winter term of the circuit court for the county of Carroll, be holden on the first Monday in January, in each and every year, instead of the fourth Monday in December, as hertofore provided.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

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## CHAPTER CXVIII.

AN ACT to change the line between Cannon and DeKalb county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Cannon and DeKalb be so changed, as

to include the lands of Thomas Martin and the widow Kersey within the limits of the county of De Kalb.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 23, 1854.

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## CHAPTER CXIX.

AN ACT to authorize the citizens of Decatur county to file bills in the Chancery Court at Savannah, Lexington, Huntingdon, and Waynesboro.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the citizens of the county of Decatur shall have the privilege to file bills, either in the chancery court at Savannah in Hardin county, or in the chancery court at Lexington, in the county of Henderson, or at Huntingdon or Waynesboro, at their discretion.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, November 21, 1853.

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## CHAPTER CXX.

AN ACT to change the time of holding the Chancery Court at Sparta.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the chancery court at Sparta, in the county of White, shall hereafter commence the first Thursday after the second Mondays in March

and September, in each and every year; to take effect after the March term of said court in 1854.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, November 17, 1853.

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## CHAPTER CXXI.

AN ACT to amend an act passed 12th January, 1852, chartering a Turnpike Road from Tazewell to Knoxville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sixth section of the above recited act shall be so amended that all the hands living in one-half mile of said road, and subject to work public roads, shall work the same.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,

*Speaker of the Senate.*

Passed, November 17, 1858.

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## CHAPTER CXXII.

AN ACT to repeal all laws now in force in relation to the up stream navigation of Elk river, above the town of Elkton, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all laws and parts of laws now in force in this State, so far as they apply to the up stream navigation of Elk river, above the town of Elkton, in the county of Giles, be, and the same are hereby repealed.

Early Benson's  
 milldam.

SEC 2. *Be it enacted,* That Early Benson, of the county of Giles, be, and he is hereby authorized to rebuild his milldam across said Elk river. *Provided,* he shall construct said dam with a slope therein of sufficient width to admit the passage of boats down stream, whenever there shall be suitable stage of water for such



navigation, and that this act be in force, and take effect from and after its passage.

SEC. 3. *Be it enacted*, That the privileges and immunities, herein extended to Early Benson, be, and they are hereby extended to any other persons owning land and wishing to erect milldams on said river above the town of Elkton.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, November 18, 1853.

## CHAPTER CXXIII.

AN ACT to establish a Chancery Court at Jamestown, in the county of Fentress, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Fentress shall compose a chancery district, and the court of the same shall be held by the chancellor for the fourth division at Jamestown, on the third Monday in March and September, in each and every year. The chancellor shall appoint a clerk and master, and organize at the first term.

SEC. 2. *Be it further enacted*, That the citizens of the counties of Morgan and Scott, are hereby authorized to file their bills in the chancery court at Jamestown, or at Kingston and Jacksborough at their discretion.

SEC. 3. *Be it further enacted*, That cases of the citizens of the county of Fentress now pending in the chancery court at Livingston, in Overton county, shall upon the order of the court at that place be transferred to the court hereby established, and the clerk and master at Livingston shall make out and transmit to the clerk and master of the court at Jamestown, transcripts of all the orders made in the cases, in order to be transferred, and to transmit the same together with the original papers in the cases, and the clerk and masters of the said court at Jamestown, shall order the cases so transferred, on the docket of his court.

SEC. 4. *Be it further enacted*, That the terms of the chancery court in the counties of Overton, De Kalb,

Chancery Warren, and Cannon, shall be held as follows: at Livingston on the Thursday after the third Monday in March and September; at Smithville on the fourth Monday in March and September; at McMinnville on the Thursday after the fourth Monday in March and September; at Woodbury on the first Monday in April and October.

SEC. 5. *Be it further enacted*, That hereafter all suits in chancery where the property in dispute, or cause of action originated in the county of Marion, shall be commenced in the chancery court of said district, held at the town of Jasper in said county. *Provided*, that any of the defendants reside in said county of Marion.

SEC. 6. *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 15, 1854.

## CHAPTER CXXIV.

AN ACT to establish a Military Academy, and to incorporate the Board of Trustees thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Aaron V. Brown, Andrew Ewing, Andrew Jackson, David T. Scott, Wm. G. Harding, B. R. Johnson, Richard Owen, Joseph C. Guild, Wm. B. Campbell, Gideon J. Pillow, Return J. Meigs, M. R. Hill, Lewis P. Williamson, John H. Crozier, and Edwin S. Cheatham, be, and are hereby constituted a body politic and corporate, to be known and designated by the name of the Board of Trustees of the Western Military Academy, and by that name shall have perpetual succession, and a common seal with power to alter and change the same at pleasure; and as a body corporate may receive donations, be vested with the right and title to the property of the said institute, sue and

be sued, plead and be impleaded in any court in this State.

**SEC. 2.** That said board shall meet at the Capitol of the State, at as early a day as practicable, and select, after due examination, an eligible site for the academy, with a view first to health; second, to the means of maintaining discipline and promoting correct, moral, and industrious habits among the students; third, to convenience of communication with all parts of this State; and of the southern and western States; and fourth, to economy of subsistence, fuel, and other necessary expenses. Selection of site.

**SEC. 3.** That on the death, resignation, or other disqualification of any of the members of said board, a majority of those in office may fill such vacancy or vacancies, and a majority of said board shall constitute a quorum for the transaction of business, and may pass such by-laws not incompatible with this act, nor the laws and constitution of this State, for the government of the academy as they may deem proper. They shall elect a faculty, consisting of a Superintendent, Commandant, and three other professors, qualified to give instructions conjointly in the course of studies pursued by the cadets of the United States Military Academy at West Point, in a thorough classical course, and in such other branches of knowledge as they may deem necessary, and shall fill all vacancies occurring in the same. General pow'rs

**SEC. 4.** That the superintendent, commandant, professors, and students, shall constitute a military corps. The governor shall issue a warrant of appointment to each student, who shall be styled a cadet; he shall also issue the commission of colonel to the superintendent, of lieutenant colonel to the commandant, and such other commissions to professors and cadets as may be necessary to fill the offices created by the board of trustees; and is authorized to cause the necessary arms and equipments to be issued to the academy upon the requisition of said board, which shall be responsible for the preservation and safe keeping thereof, and the parents or guardians of each student shall be responsible to the board for such of said arms and equipments as shall be placed in his hands to be used by him as a cadet in said academy. Governor to issue commissions.

**SEC. 6.** That the governor shall annually appoint a Board of Visitors, consisting of five persons, to attend the examination of cadets, at least once in every year; and Visitors.

it shall be their duty to ascertain the proficiency of cadets in their various departments of learning in which they have been engaged, to inspect the public property and arms at the academy, make a full report of their condition as well as the condition of the school to the governor, with such suggestions as may appear necessary to be attended to, to promote its efficiency and prosperity, to be by him laid before the General Assembly.

May confer degrees.

SEC. 7. That the board of trustees and the faculty, shall have all the powers, privileges, and rights in conferring literary degrees and honors and in granting diplomas, which are exercised by the trustees and faculty of any academy in this State.

SEC. 8. That the property of the college shall be exempt from taxation.

Corporation of Mount Pleasant.

SEC. 9. *Be it enacted*, That the mayor and aldermen of the town of Mount Pleasant, in Maury county, shall have power to levy upon the property, polls, and privileges within the limits of said corporation, such amount of tax, as may be necessary to defray the expenses of said corporation, and that the constable of said corporation is hereby invested with all necessary legal powers to enable him to collect said tax, and shall be subject to all the liabilities and penalties imposed by law upon other collecting officers, and that he shall pay over said corporation tax by him collected, to the treasurer of the board of said corporation, at such times as said board may direct.

Further powers

SEC. 10. *Be it enacted*, That the mayor of said town corporation, shall hereafter be invested with all necessary legal power and authority to issue all necessary legal process, by warrant or otherwise, that may be necessary to enforce the laws of said corporation, and he shall have power, and he is hereby authorized to hear and determine all causes arising out of the administration of the laws and ordinances of said corporation, and shall have power and authority to issue all necessary legal process to carry the same into effect, and it shall be the duty of the constable of said corporation, to execute all process issued by the mayor of said corporation, and the mayor and constable of said corporation shall be entitled to demand and receive the same amount of fees now allowed to justices of the peace and constables in this State for similar services.

Memphis Typographical Association.

SEC. 11. *Be it enacted*, That a company to be entitled "The Memphis Typographical Association," shall be and is hereby established, with a capital of ten thousand

dollars, which may be increased to fifty thousand dollars. That the stock of said company shall be divided into shares of twenty-five dollars each, to be subscribed with the commissioner hereinafter named, and paid in as the directors to be elected may demand.

SEC. 12. The subscribers for said stock, their successors and assignees, are hereby created a body politic<sup>era</sup> and corporate, by the name and style of "The Memphis Typographical Association," and in and by said name they shall have the power to contract and be contracted with, to sue and be sued, have and use a common seal, to borrow money upon their bonds, for such amounts, conditions, time, and rates of interest as may agreed upon between the parties. Shall have authority to elect all necessary officers, and to pass and establish all by-laws, rules, and regulations for the successful management of the affairs of said company.

SEC. 13. The object and business of said company<sup>Objects.</sup> shall be, to carry on and conduct in the city of Memphis a general printing and publishing establishment, for the advantage of practical printers and operatives, and said company are authorized to purchase and hold by their corporate name a suitable lot in the city of Memphis, and such buildings as may be needed by said company in the prosecution of its business.

SEC. 14. That J. S. McMahon is hereby appointed a Commissioner<sup>Commissioner</sup> to open books for the subscription of the of said company, and he may keep the same open until a sufficient sum be taken, when he shall call a meeting of the stockholders for the purpose of electing a board of three directors, to whom shall be entrusted the management of the affairs of said company. They shall elect a president of the board of their number, and fill the vacancies in the same. The election of said board to be holden annually as the stockholders may direct, and the old board may hold over until a new one is elected.<sup>Organization.</sup>

SEC. 15. That each and every stockholder shall be liable for the full amount subscribed by him, and the payment in full of said subscription to the authorized agent of said company, shall be a discharge from further liability.

SEC. 16. The stock may be transferred by assignment,<sup>Transferring stock.</sup> and the original subscriber and assignee shall be bound till the subscription be paid in full, and each stockholder shall be entitled to one vote for each share of stock owned, which may be given at elections in person or by proxy.

**SEC. 17.** The Memphis Typographical Association, hereby chartered, shall exist and have succession for the period of thirty years.

**WM. H. WISENER,**  
*Speaker of the House of Representatives.*  
**EDWIN POLK,**

*Speaker of the Senate.*

Passed, February 24, 1854.

## CHAPTER CXXV.

**AN ACT** to alter the time of holding the circuit courts in the county of Warren, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the next April term of the circuit court for the county of Warren, the circuit court for said county shall be holden on the first Mondays in February, June and October, and shall continue from day to day, until the business thereof shall be disposed of.

**SEC. 2.** *Be it enacted,* That all laws coming within the purview and meaning of this act are hereby repealed.

**SEC. 3.** *Be it further enacted,* That the circuit courts in Wayne and Lawrence counties, shall hereafter be held as follows—to wit: At Waynesborough, in Wayne county, on the fourth Mondays in January, May and September; and at Lawrenceburg, in Lawrence county, on the first Mondays in February, June and October.

Circuit courts  
in Wayne and  
Lawrence  
counties.

**WM. H. WISENER,**  
*Speaker of the House of Representatives.*  
**EDWIN POLK,**

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CXXVI.

AN ACT to authorize the Trustees of Bolivar Academy in the county of Monroe, to loan the Academy funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be lawful for the trustees of Bolivar Academy, in the county of Monroe, to loan the funds belonging to said Academy, in any sum or sums not exceeding five hundred dollars, to any one person, (with two good securities.)

SEC. 2. *Be it enacted*, That the trustees of the said academy may, at any time, consolidate that portion of the academy fund which has been received from the State by annual payments, or may be hereafter received, with the old fund of said academy, and when that is done, there shall be no distinction kept up between the funds.

SEC. 3. *Be it enacted*, That all laws and parts of laws coming in conflict with this act, be, and the same are hereby repealed.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CXXVII.

AN ACT to establish a Chancery Court for the county of Cocke.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Cocke shall constitute a chancery district, and a chancery court for the same shall be established, to be held at the town of Newport, in said county, on the third Mondays in June and December.

SEC. 2. *Be it further enacted*, That cases of the citizens of the county of Cocke, now pending in the chancery court at Greeneville, in Greene county; Dandridge in Jefferson county; Sevierville, in Sevier county; shall, upon the orders of the courts at these places, respectively be transferred to the court hereby established; and the clerks and masters of said courts respectively,

shall make out and transmit to the clerk and master of the court at Newport, transcripts of all the orders made in the cases, in order to be transferred, and to transmit the same, together with the original papers in the cases; and the clerk and master of the said court at Newport, shall order the cases so transferred, on the docket of his court.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER CXXVIII.

AN ACT to authorize the Trustees of Carroll Academy, in the county of Warren, to sell the grounds of said Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the trustees of Carroll Academy, in the county of Warren, be authorized to sell to the highest bidder, as they may deem best for the interest of said Academy, the grounds and buildings belonging to said academy; in the town of McMinnville.

SEC. 2. *Be it enacted,* That at any time after the passage of this act, the said trustees may, preparatory to said sale, give notice thereof in the "McMinnville Enterprise," a newspaper published in the town of McMinnville, and proceed on the day appointed in said notice, to sell the same to the highest bidder, on a credit of one, or one and two years, as they may think best; and be authorized to make to the purchaser or purchasers, a good and sufficient deed for the same.

SEC. 3. *Be it enacted,* That after the sale of said academy and grounds, the said trustees shall be required to purchase for the use of said academy, other grounds, and erect other buildings with the proceeds of the sale of the old academy grounds, and any other means which may be raised by subscription, for that purpose.

SEC. 4. *Be it enacted,* That the trustees of Forest Hill Academy, in the county of McMinn, be, and they are hereby authorized and empowered to sell any real estate belonging to said academy, upon such terms and



conditions as said trustees shall deem most to the interest of said academy.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CXXIX.

**AN ACT** to change the dividing line between Campbell county, and Anderson and Scott counties, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee.* That the following shall be the dividing line between the county of Campbell on the one side, and the counties of Anderson and Scott on the other—to-wit: Beginning at a point on New river, a short distance above William Massengill's, where the present Scott county line crosses said New river; running thence up New river to a point on the east bank of New river, opposite to Solomon Doherty's; thence to the Coal gap, in such a direction as to leave the waters of the Beech fork in Campbell county, and to leave Banister Vowel's residence in Anderson county; running thence on the south side of the mountain, in which the said Coal gap occurs, to the present residence of the Cokers', including the said Cokers in Campbell county; thence a direct line to a point in the former line between Campbell and Anderson counties, near the residence of Paul Harmor, so as to leave said Harmor in Anderson county. *Provided*, that if either of the counties of Anderson and Campbell desire to have a survey of the line laid off in this act, they shall be entitled thereto, and the county of Campbell shall defray all expenses incident to said survey.

**SEC. 2.** *Be further it enacted,* That the dividing line between the counties of Claibourne and Campbell shall be as follows: Beginning on the top of Cumberland mountain, where the county line now crosses the same; thence northward to the top of the dividing ridge, between White Oak and Taskett Creek to the Clearfork,

Line between  
Claiborne and  
Campbell.

at or near the old Hunter place; thence north to the Kentucky line.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 20, 1854.

## CHAPTER CXXX.

AN ACT to change the line between Lawrence and Giles counties, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the dividing line between Lawrence and Giles counties be so changed as to include Felix Carroll and the tract of land granted in his name, on which he now resides, in the county of Lawrence.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage.

SEC. 3. *Be it enacted*, That the dividing line between the counties of Jefferson and Hawkins be changed as follows: Beginning at or near George Lynch's on the line between said countles of Jefferson and Hawkins; running with said line to the Walnut gap; from thence a direct line to the north-east boundary line of Pleasant Kirkpatrick's plantation, and with said line till it strikes the road leading from Russellville to Bull's gap; and with said road till it strikes the county line of Greene and Hawkins, below Bull's Gap.

Line between  
Hawkins and  
Jefferson.

SEC. 4. *Be it enacted*, That the persons and property included in the fraction of Jefferson, lying north-east of said line, as described in the first section of this act, shall be entitled to all the rights and privileges of the citizens of Hawkins, and subject to all the duties thereof; and the act passed February 7, 16, 1852, entitled "an act to change the line between the counties of Jefferson and Hawkins, be, and the same is hereby repealed.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, January 31, 1854.

## CHAPTER CXXXI.

AN ACT to amend an act passed 11th February, 1852, entitled "an act to establish a system of Internal Improvements in this State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the bonds of the State shall issue to the companies mentioned in the first and tenth and nineteenth sections of the act which this is intended to amend, and also to the "Edgefield and Kentucky Railroad Company," "Central Southern Railroad Company," "Knoxville and Charleston Railroad Company," "Mississippi Central and Tennessee Railroad Company," "Knoxville and Kentucky Railroad Company," "Tennessee, Western and Charleston Railroad Company," and "Cincinnati, Cumberland Gap and Charleston Railroad Company," upon the terms and conditions mentioned in the act which this is intended to amend, but to the extent of ten thousand dollars (instead of eight thousand) per mile. *Provided*, that the aid of the State shall be extended to the South Carolina, Tennessee and Kentucky Railroad Company, in lieu of the Knoxville and Charleston Railroad Company, to the extent of fifty-five miles and no more, in the event the Blue Ridge Railroad Company of South Carolina shall adopt the charter of said South Carolina, Tennessee and Kentucky Railroad Company, and obligate themselves in such manner as shall be satisfactory to the Governor, not to stop the construction of the said road at a junction with the East Tennessee and Georgia Railroad, but to build said road to South-West Point; and said South Carolina, Tennessee and Kentucky Railroad Company, before it shall receive the aid herein provided, shall bring itself within the general provisions in all respects, of the act which this is intended to amend. But should the Blue Ridge Railroad Company not adopt such charter and enter into the obligations aforesaid, then the provisions of this act and that which it is intended to amend, shall apply in all things to the Knoxville and Charleston Railroad Company.

SEC. 2. *Be it further enacted*, That bonds of the State shall issue to the companies mentioned in the first section of this act, and the tenth and nineteenth sections of that which this is intended to amend, for each bridge that said companies, or either of them, may have to build in East, Middle and West Tennessee, across the Holston, Clinch, Big Hatchie, Tennessee and Cumberland rivers, for the maximum sum that bonds are provi-

Provision for  
bridges.

ded to be issued to said East Tennessee and Georgia Railroad Company, by an act passed February 4, 1852, entitled "an act to aid in the completion of the East Tennessee and Georgia Railroad," and upon the terms and conditions mentioned in said act, (except the second section,) and also in the fifth and sixth sections of an act, passed February 26th, 1852, entitled "an act to charter the Chattanooga, Blue Spring and Cleveland Railroad Company, and for other purposes," and said bonds to be issued under this section shall be included in the aggregate amount of stock raised by said companies in the same manner that the three hundred thousand dollars of bonds loaned to the East Tennessee and Virginia Railroad Company under an act passed January 15th, 1852, to enable said company to build bridges, are provided to be included in the aggregate amount of stock to be raised by the East Tennessee and Virginia Railroad Company.

**Commissioner of roads.** SEC. 3. *Be it further enacted,* That the office of "commissioner of roads" be filled by the appointment of the Governor; that the incumbent shall hold his office for two years, and shall receive an annual salary of two thousand dollars. It shall be his duty to examine into the condition of railroad companies applying for the bonds of the State, and to report on oath to the Governor the condition of said roads and the companies owning them; enquiring into, and reporting all the facts necessary to be reported upon under this act, and that which this is intended to amend. He shall further superintend and supervise the interest of the State in all the railroads and turnpike roads of this State, and whenever he may deem it necessary, report to the Governor any facts he may believe to be of importance to said interest. The said commissioner, in making his investigations, shall have the power to administer oaths, and send for persons and papers; and may, if in the opinion of the Governor it should be necessary and proper, apply to the courts for aid to protect said interests; and it shall not be lawful for the Governor to issue such bonds to any railroad company until he shall be satisfied they have complied with the law.

**Penalty for misappropriation of bonds.** SEC. 4. *Be it enacted,* That if any officer, agent or servant of any railroad company receiving the bonds of the State, shall appropriate said bonds or the money arising from the sale thereof, or any portion of either, to any other use than that prescribed in the act under which said bonds shall be issued, such person or persons so offending, shall be deemed guilty of a felony, and

upon conviction shall undergo confinement in the penitentiary for a period of not less than five nor more than fifteen years.

Sec. 5. *Be it enacted;* That no road embraced in this act shall be entitled to its provisions, unless it shall, within four years, grade one section of thirty miles.

Sec. 6. *Be it enacted,* That the Governor shall endorse and guarantee the bonds of the Nashville and Chattanooga Railroad Company to an amount not exceeding six hundred and fifty thousand dollars, and the State shall thereupon, by virtue of this act, be invested with a lien upon the entire road of said company, with all its equipments, fixtures, &c., and shall have the same remedies for enforcing said lien as are given by previous acts of the General Assembly directing an endorsement of the bonds of said company. The provisions of this act shall extend to all railroad companies mentioned in the aforesaid act passed 11th February, 1852, whose charters, routes or names have been, or may hereafter be changed; and if any two or more of said companies shall be consolidated, they or the consolidated company shall still be entitled to the provisions of this act.

Nashville and  
Chattanooga  
Railroad.

Sec. 7. *Be it further enacted,* That the Mississippi, Central and Tennessee Railroad Company shall be entitled to the provisions of this act from Jackson, Tennessee, to the Tennessee river, for any extension of said road, which said company may make from Jackson by way of Huntingdon in the direction of Nashville. And, *provided, further,* that nothing in this act shall be so construed as to extend the time for the completion of the first section of the roads mentioned in the said act of the 11th February, 1852.

Mississippi Central and Tenn.  
Railroad.

Sec. 8. *Be it enacted,* That the bonds to be issued under the provisions of this act shall, in no case, be sold at less than par.

Sec. 9. *Be it further enacted,* That the first section of an act passed February 11th, 1852, entitled "an act to establish a system of internal improvements in this State," be so amended that whenever the East Tennessee and Virginia Railroad Company shall have graded, and shall have ready to put down the necessary timbers for the reception of rails, as is contemplated in said section, from Knoxville to the Holston river at Magbie's ferry, or to the Holston river at Middletown, at each end, it shall be the duty of the Governor to issue bonds of the State to the company, as is required in said section, and when said company shall have complied with the above requisitions it shall be considered as fulfilling the re-

East Tennessee and Virginia  
Railroad

quirements in full, of the first section of the act above referred to.

SEC. 10. *Be it enacted*, That the provisions of this act shall extend to and embrace the Mississippi and Tennessee Railroad Company, chartered 5th December, 1853, and the State aid given to other roads by this act, shall be given in like manner to the said Mississippi and Tennessee Railroad, so far as the same lies in the State of Tennessee.

South-West-  
ern Railroad  
Company.

SEC. 11. *Be it enacted*, That the farther time of two years is hereby extended to the South-Western Railroad Company, to bring themselves within the provisions of the act entitled "an act to establish a system of internal improvements in this State."

SEC. 12. *Be it further enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 8, 1854.

## CHAPTER CXXXII.

AN ACT to amend an act entitled "an act to establish a system of Internal Improvements in this State," and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Nashville and Memphis Railroad Company shall have the privilege of locating their road on the route which shall be the cheapest and easiest of construction, and which will enable them with most advantage, to connect their road with the Nashville and North-Western, and with the Memphis, Clarksville, and Louisville Railroad Company at Paris, or near Paris, or to such point of connection with the Memphis, Clarksville and Louisville Railroad Company, as may be agreed upon by said companies.

Bonds to issue  
to Nashville &  
Memphis Rail-  
road Company.

SEC. 2. *Be it enacted*, That it shall be the duty of the governor of this State to issue to the Nashville and Memphis Railroad Company coupon bonds of the State, whenever said company shall have procured *bona fide* subscriptions sufficient to grade, bridge and prepare for the iron rails, the entire length of their road from Memphis to Paris, or the

point of connection with the Memphis, Clarksville and Louisville Railroad Company, upon the same general terms, conditions and restrictions that he is required to issue the bonds of the State to the East Tennessee and Virginia Railroad Company, and the several other railroad companies mentioned in said act establishing a system of internal improvements, passed February 11th, 1852. *Provided*, that nothing in this act shall be so construed as to increase the amount of the State bonds proposed to be loaned by the State to the Nashville and Memphis, and the Memphis, Clarksville and Louisville Railroad companies, as provided by the act of February 11th, 1852.

SEC. 3. *Be it enacted*, That the charter of the Nashville and Memphis Railroad Company shall be so amended that in all future elections by the stockholders, they shall elect fifteen directors, a majority of whom shall reside in Shelby county, and the present board may increase their number to that extent, who shall act until the next general election on the first Monday in October, 1854, and annually thereafter, provided they shall deem it necessary; and hereafter the president shall be elected by the directors from one of their board. Election of Directors.

SEC. 4. *Be it enacted*, That said company may receive in subscriptions to the capital stock, land lying within six miles of the road, contracts for work, and materials to be furnished, upon such terms and conditions as may be agreed upon by the contracting parties. *Provided*, also, that any subscriptions heretofore made of that character, or upon conditions, the conditions of which shall hereafter be ratified, are hereby declared valid, and legalized. Lands.

SEC. 5. *Be it enacted*, That said company, in lieu of calling in the payment of the stock as provided in the original charter, may prolong the time of the payment of the stock, upon the stockholders' executing their notes or bonds for the amount subscribed by them respectively, at one, two, and three years from the first January, 1854, in a satisfactory manner to the company, and any subscriptions heretofore, or hereafter made upon such terms, are hereby legalized. Notes given in payment of stock.

SEC. 6. *Be it enacted*, That the failure of the county courts of Shelby and Tipton, or any of the stockholders, to pay two per cent on the amount of stock by them subscribed, at the time of making said subscriptions, shall not invalidate said subscriptions, or the organization made by said subscribers; but the same is hereby legalized. Subscriptions legalized.

ized and declared valid; and hereafter it shall not be necessary to require two per cent to be paid at the time of subscribing, on the amount of stock subscribed, either by individual stockholders or counties.

May issue  
bonds.

**SEC. 7.** *Be it enacted*, That said railroad company shall have power to issue and sell the bonds of said company; to raise money upon the means and effects of the company, by proper and suitable conveyances; to build one or more branches; to establish such gauge as will enable them to connect with railroads in other States; to change the name of the company to that of Memphis and Louisville Railroad Company, or any other name they may desire; but, the change of name shall not deprive said company of any rights, powers and privileges vested in them by their original and amended charter, or by the general law of the State establishing internal improvements, passed February 11th, 1852, or any amendment of the same; but the same shall exist in full force and virtue, and in all respects as obligatory as though the name of the company had not been changed. *Provided*, that nothing in this act shall be so construed as to deprive the Nashville and North-Western Railroad Company of any rights, powers and privileges conferred upon said company in their charter, and the act establishing a system of internal improvements in this State, passed February 11th, 1852; but said company shall have the right of way, and State aid as provided by said internal improvement act for its whole distance from Nashville to the Mississippi river. It is *furthermore provided*, that the Nashville and North-Western Railroad Company, from the point of intersection either with the Nashville and Memphis Railroad Company, or the Memphis, Clarksville and Louisville Railroad Company, shall have the same right, power and privilege to run their cars upon the tracts of either of said roads as is provided in the act chartering the Memphis and Charleston Railroad Company at the point of intersection of said company with the Nashville and Chattanooga Railroad Company; and, *provided, also*, that the subscriptions made to the Nashville and North-Western Railroad Company, between Nashville and the Tennessee river shall be expended on that part of the road until finished and the subscriptions west of the Tennessee river shall be expended between the Tennessee and Mississippi rivers until the road is there finished. And the Nashville and North-Western Railroad Company shall have, from the passage of this act, four years, within which to con



plete the first thirty miles of said road, as provided by the act of 11th February, 1852.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 16, 1853.

## CHAPTER CXXXIII.

AN ACT to repeal the 20th section of the act of 27th February, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* the 20th section of the act passed the 27th February, 1852, to defray the expenses of the General Assembly of the State of Tennessee, be, and the same is hereby repealed.

SEC. 2. *Be it enacted,* That it shall be the duty of the principal clerk of each house, in purchasing stationery, for the use of their respective houses, to take a bill of each and every purchase made by them as aforesaid, and immediately place the same on file with the committee on claims of the house of which he is clerk, whose duty it shall be to examine the same and report to their respective houses, any abuses which may occur from time to time, in the way of high and extravagant charges, or otherwise.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, October 21, 1853.

## CHAPTER CXXXIV.

AN ACT to authorize the Trustees of the Williamsport Female Academy to sell the Academy buildings and lot.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* the trustees of the Wil-

liamsport Female Academy, in the county of Maury, be, and the same are hereby authorized and empowered to sell the academy buildings and lots upon which it is situated, for the purpose of paying the debts due by said corporation, for the purchase of said lot and for the erection of said buildings.

SEC. 2. *Be it enacted*, That the proceeds of said sale shall be applied, first, to the payment of the purchase money due upon the lot; secondly, to the payment of the debts due for the erection of the academy buildings, and the balance, if there be any, be held as a trust fund, for the benefit of the Williamsport Female Academy, or be divided *pro rata* among the stockholders..

SEC. 3. *Be it enacted*, That the trustees shall be required to give ten days' public notice before proceeding to sell said lot and buildings.

SEC. 4. *Be it enacted*, That this act shall take effect from its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, January 2, 1854.

## CHAPTER CXXXV.

AN ACT creating the office of Geologist and Mineralogist and Assayor, for the State of Tennessee.

*Whereas*, it is the opinion of this General Assembly, that a complete, thorough and speedy geological and mineralogical examination and survey of this State ought to be made, and that such examination and survey ought to be made under the authority and at the expense of the State, inasmuch as it would probably result in the discovery of much wealth now hidden from the world, and thereby induce immigration to this State, enhance the price of land and increase the public revenue; therefore,

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the office of geologist and mineralogist of the State, is hereby created; said office is to be filled by the joint vote of both houses of the general assembly, and the incumbent is to continue in office for the

term of two years, and until his successor is elected. In case of a vacancy during the recess of the legislature, the Governor is to appoint a suitable person to fill said office, and his appointee is to continue in office during the unexpired term for which his predecessor was elected or appointed.

SEC. 2. *Be it further enacted*, That it shall be the duty of said geologist and mineralogist, to commence and carry on a geological and mineralogical survey of the State, with as much expedition and dispatch as may be consistent with minuteness and accuracy, with a view to discover the order, relative position and comparative magnitude of the several strata or geological formation within the State, and to discover, analyze and assay all beds of deposits of ores, coals, clays, marls and such other mineral substances as may be deemed useful or valuable, together with such other duties as may be necessary to make a full and complete geological and mineralogical survey of the State; and to make a report to the legislature which shall meet next after his election or appointment, of the progress of such survey, accompanied with such maps, drawings and specimens, as may be necessary and proper to exemplify and elucidate the same. To make survey.

SEC. 3. *Be it further enacted*, That this act shall take effect from its passage, and the geologist and mineralogist first to be elected under this act, shall be elected by the present General Assembly. Geologist.

SEC. 4. *Be it further enacted*, That the said geologist and mineralogist shall devote his time exclusively to the duties of his profession, dividing his time as equally as practicable, in the different grand divisions of the State, for which he shall receive an annual salary of fifteen hundred dollars, payable quarterly, out of any money in the treasury not otherwise appropriated. Salary.

SEC. 5. *Be it further enacted*, That the office of Assayer for the State, is hereby created; that the said Assayer shall be appointed by the Governor for the term of two years; and should the said assayer, die, resign, or remove from the State, during the time for which he was appointed, the Governor shall appoint a successor for the unexpired time. Assayer.

SEC. 6. *Be it further enacted*, That said assayer shall receive no salary from the State, but shall be entitled to the perquisites of the office, by charging and receiving for each assay a fee not exceeding five dollars, to be paid by the person for whom the assay is made.

SEC. 7. *Be it further enacted*, That said State as-

sayor shall, upon his appointment, take an oath of office to make a faithful and honest assay, or analysis, of all ores or minerals, and before he shall be entitled to the fees or perquisites allowed in this act; which oath may be taken and subscribed before any judge of a court of record, or acting justice of the peace of the State of Tennessee, and filed with the Secretary of State.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 24, 1854.

## CHAPTER CXXXVI.

AN ACT to amend an act, passed December 19th, 1847, chapter 75, in relation to the Jackson and Lawrenceburg Academies in the county of Lawrence.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That so much of the 1st section of an act, passed December 19th, 1847, chapter 75, entitled "an act to divide and equally apportion the Academy fund of Shelby, Lawrence, Hardeman, Wayne and Montgomery counties, between the girls and boys," as requires the trustees of the Lawrenceburg Female Academy to be additional trustees of the Jackson Male Academy in the county of Lawrence; also, so much of the same as declares that said Lawrenceburg Female Academy shall share equally with said Jackson Male Academy in any monies hereafter to be drawn from the treasury of the State, for the use of said academies; also the second section of said act, declaring that the unexpended fund heretofore drawn from the treasury for the use of said academies, shall be equally divided between said Jackson and Lawrenceburg Academies, the male and female branches of the Lawrence county academies, be, and the same are hereby repealed.

Sec. 2. *Be it enacted,* That it shall be the duty of the county court of said county of Lawrence to appoint seven trustees for said Jackson Academy, as heretofore, who shall also be trustees of said Lawrenceburg Female Academy, any five of whom shall constitute a quorum for the transaction of business.

**SEC. 3.** *Be it enacted,* That the unexpended fund heretofore drawn from the treasury of the State; and all monies hereafter to be drawn from the treasury for the use of said academies, shall be a joint fund, and shall be divided between said academies in such manner as in the opinion of the trustees of said academies, the true interest thereof may require, and expended in such way as will best promote the cause of education in said academies.

**SEC. 4.** *Be it enacted,* That said academy monies shall be drawn from the treasury as now prescribed by law; and it shall not be lawful for the treasurer of said board of trustees to receive any monies due said academies, until after he has executed bond with two or more good and sufficient securities, in double the amount expected to come into his hands, as such treasurer, conditioned for the safe keeping and faithful disbursement of the same, to be taken by, and approved of, by the county court of said county of Lawrence.

**SEC. 5.** *Be it enacted,* That it shall be the duty of the Secretary of said board of trustees, to keep a record of their proceedings in a well bound book procured for that purpose; and the minutes of the proceedings of each meeting shall be signed by the chairman thereof, and countersigned by the Secretary.

**SEC. 6.** *Be it enacted,* That it shall not be lawful for the treasurer to pay any account against said academies unless the same has been ordered by the board of trustees.

**SEC. 7.** *Be it enacted,* That the said board of trustees shall have power to fill any vacancies that may occur in said board during their term of office; they shall also have power to make the secretary of said board a reasonable allowance for books, papers, services, &c., to be paid by the treasurer of said board; also to make the treasurer an allowance not exceeding two and a half per cent, for receiving and disbursing said academy monies; and to do all other things necessary and proper for the welfare and prosperity of said academies, not incompatible with the constitution and laws of the State of Tennessee or of the United States.

**SEC. 8.** *Be it enacted,* That it shall be the duty of said trustees to meet at least as often as once every session, for the transaction of business, and as much oftener as the business of said academies may require. They shall also, before entering upon the discharge of the duties of trustees as aforesaid, take an oath before some justice of the peace for the county of Lawrence, faithfully and

honestly to discharge the duties of said office of trustee as aforesaid, according to law.

Sec. 9. *Be it enacted*, That the present board of trustees shall be trustees of said academies until their successors are appointed and qualified as the law directs.

Sec. 10. *Be it enacted*, That this act shall be in force, and take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 30, 1853.

## CHAPTER CXXXVII.

AN ACT directory to the Comptroller of the Treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue a duplicate warrant to Jesse J. Wells for four hundred and fifty-two dollars and eighty cents; being the amount of a warrant, No. 2320, issued to said Wells on the 20th September, 1852, which was lost, with a letter mailed by the Cashier of the Branch Bank of Tennessee, at Trenton, to the Cashier of the Bank of Tennessee, at Nashville.

Sec. 2. *Be it enacted*, That it shall be the duty of the comptroller to ascertain from the cashier of the Bank of Tennessee, at Nashville, if said warrant has ever been paid, before he shall issue a warrant for said amount to said Wells.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CXXXVIII.

AN ACT to change the line between the counties of Hickman and Perry.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Perry and Hickman be changed as follows—to-wit: Beginning on the present county line, twenty poles north of William Watson's; thence East, to Abisha Curl's, so as to include said Curl in Perry county; thence south-east to Owen Morgan's; thence south-east to Jno. Sutherland's, on the Cave branch; thence south-east to David Carry's, including all of said persons and places in Perry county; thence south-west so as to leave Alexander Joice in Hickman county; and thence so as to leave John Sisco's in said county of Hickman; thence south to the county line on the dividing ridge between Cane and Brush Creeks; and all the territory stricken from Hickman county by changing the line as above described, be, and the same is hereby attached to the county of Perry.

SEC. 2. *Be it enacted*, That the persons residing within the territory attached to the county of Perry by the first section of this act, shall be entitled to all the rights and privileges, and subject to all the liabilities and penalties of other citizens of Perry county; and that this act shall take effect from and after the tenth day of March next.

SEC. 3. *Be it further enacted*, That it shall be, the duty of the county surveyor of Perry county to run and mark the line between said counties of Hickman and Perry, as set forth in the first section of this act; and it shall be the duty of the county of Perry to pay for the same. *Provided*, said change does not reduce said county of Hickman below its constitutional limits.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CXXXIX.

AN ACT to amend the act of 1835, chap. 11.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the act passed by the legislature in 1835, chapter 11, providing for the appointment of Notaries Public, be, and the same is hereby so amended, that hereafter there shall be appointed in the county of Davidson four notaries public, instead of three, as provided in said act.

Notary Public.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CXL.

AN ACT to give Grundy county one Director in the Branch of the Bank of Tennessee, at Shelbyville.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Grundy county shall belong to the Shelbyville Bank District, and shall have one director in the branch of the Bank of Tennessee at Shelbyville; *provided,* the number of directors in Bedford county is not thereby reduced.

WM H. WISENER,  
*Speaker of the House of Representatives,*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER CXLI.

AN ACT to authorize the citizens of the town of Monroe, in Overton county, to elect an additional justice of the peace, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the 11th civil district, in



the county of Overton, shall be entitled to three justices of the peace.

Sec. 2. *Be it further enacted*, That an additional justice of the peace shall be elected by the qualified voters Corporation of in the (1st civil district) in the corporation of Sparta, in Sparta. the county of White.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CXLII.

AN ACT for the relief of Edmond Gibbons.

*Whereas*, Edmond Gibbons, of Overton county, purchased a section of school land at a sale made by the clerk of Overton circuit court, under an act passed in 1844; and, *whereas*, said Gibbons was sued for possession of said land and lost the same; wherefore,

Sec. 1. *Be it enacted*, That the president and directors of the Branch Bank of Tennessee, at Sparta, are hereby directed to ascertain the loss said Gibbons incurred by the purchase, and refund to him out of the funds arising from the sale of school lands in Overton, which were deposited in said bank, the amount of said loss. *Provided*, the amount shall be paid out of the school funds derived from the sale of the lands sold to said Gibbons, under and by virtue of the act of 1844. And, *provided, further*, that said Gibbons shall not be paid more than the amount he actually paid in the purchase of said land.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CXLIII.

AN ACT for the benefit of the counties of Carter and Cocke.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be the duty of the directors of the Bank of Tennessee, to appoint one director for the branch bank at Rogersville, who resides in the county of Cocke; also, one in the county of Carter.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 5, 1853.

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## CHAPTER CXLIV.

AN ACT for the benefit of Anderson Mullins.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Grainger and Hawkins be so changed, that the lands of Anderson Mullins, upon which he now lives, be included in Hawkins county.

WM. H. WISENER  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, January 2, 1854.

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## CHAPTER CXLV.

AN ACT for the benefit of A. R. Lankford.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the comptroller of the treasury be, and he is hereby authorized to issue his warrant to A. R. Lankford for sixty-four dollars, for money ex-

pendent and services rendered, in transporting a prisoner from Nashville to Waverly.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CXLVI.

AN ACT to refund certain monies to Samuel Williams.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Williams may appear before the judge of the third judicial circuit in this State, and upon proving to said judge from the records of the office of the entry taker and register of the Ocoee district, that the south-west fractional quarter of section twenty, in the second fractional township, and fourth range west of the base line in the Ocoee district, containing fourteen acres of land, has been twice entered, and twice paid for to the State, and twice granted by the State at the price of seven dollars and fifty cents per acre, and also proving to said judge that the title to said land has not been settled by judicial decision, and that a compromise of claims took place between the adverse claimants, leaving unsettled the question of superiority of title. It shall be the duty of said judge, should he be satisfied from the proof that the State has twice received the entry money for said land, and has not refunded any portion of it, to give to said Samuel Williams a certificate under his hand and seal, in which he shall embody the facts of the case; and if the judge so certifies, it shall be the duty of the cashier of the branch of the Bank of Tennessee at Athens, to receive such certificate and pay the amount thereof to said Samuel Williams, upon his surrendering up his original grant to said cashier, who shall endorse on the face thereof the fact of the refunding as herein directed, the time and amount thereof, and on what account; whereupon the cashier shall return said original grant to the register of the Ocoee district, who shall make the same memorandum on the face of the register's copy in his office, as on the original grant; and thereupon file

and keep said original grant in his office as a cancelled paper. *Provided*, that the whole amount to be refunded under this act, shall not exceed one hundred and five dollars. *And provided further*, that said Williams, his agent or attorney, has never received pay for said location or entry.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 6, 1854.

## CHAPTER CXLVII

AN ACT giving Ansel Carden further time to finish his Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Ansel Carden have, in addition to the time allotted him by his charter, the further time of two years to finish his turnpike road in Carter county.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed October 21, 1853.

## CHAPTER CXLVIII

AN ACT to repeal so much of the act passed 16th February, 1852, chapter 119, as relates to the county of Dyer.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act passed February 16th. 1852, chapter 119, be, and the same is hereby repealed so far as the same applies to the county of Dyer.

**Entry taken.** SEC. 2. *Be it further enacted*, That the present register of said county, shall hold and exercise the office of entry taker of said county until the first Monday in April next, at which time the county court of Dyer

county shall elect an entry taker for said county, who shall exercise the office as directed by the laws of this State, before the passage of the abovementioned act.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

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## CHAPTER CXLIX.

AN ACT directing the money in the Bank of Tennessee, belonging to Davidson county Academy, to be paid to the Treasurer of said Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the President and Directors of the Bank of Tennessee, pay into the hands of the treasurer of the Davidson county academy, the sum of money now in said bank belonging to said academy.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

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## CHAPTER CL.

AN ACT to change the time of holding the Circuit Court of the county of Tipton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the circuit court of the county of Tipton, shall be holden on the first Mondays in January, May, and September. *Provided*, that the next term of said court shall be holden as heretofore.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 25, 1853.

## CHAPTER CLI.

AN ACT to change the place of comparing the polls for Representatives of the counties of Perry and Decatur, and Fayette, Shelby, and Tipton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the polls for representative of the counties of Perry and Decatur, shall be compared at the town of Perryville instead of Linden, on the Monday succeeding the day of the election.

Tipton, Fayette & Shelby  
 SEC. 2. *Be it enacted*, That hereafter the polls for floating representative for the counties of Tipton, Fayette, and Shelby, shall be compared at the house of Col. Samuel C. Leak, in the county of Shelby.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, October 29, 1853.

## CHAPTER CLII.

AN ACT to repeal a portion of an Act, passed 17th February, 1852, changing the line between the counties of Cannon and De Kalb, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the second section of an act, chapter 304, passed 17th February, 1852, entitled "an act to change the line between Rutherford and Williamson counties, as relates to the county of Cannon and De Kalb, be, and the same is hereby repealed, and the line between said counties of Cannon and De Kalb shall remain as located before the passage of said act.

SEC. 2. *Be it enacted*, That the county court of Putnam county, at the first quarterly court for said county, or any subsequent quarterly court for said county, shall have power, and it is here by made the duty of said court to levy and cause to be collected, a tax sufficient for the purpose of paying for the surveying said county, and the commissioners appointed by the act establishing said

county a reasonable compensation for their services in the reorganization of said county.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 14, 1854.

### CHAPTER CLIII.

AN ACT for the benefit of Wm. H. Eanes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the comptroller of the Treasury, be, and he is hereby instructed to issue his warrant on the treasury, to Wm. H. Eanes, late jailor of Shelby county, for two hundred and six dollars and twenty-five cents, for keeping two slaves arrested and committed to the jail of Shelby county, under the act of 1826, prohibiting the importation of slaves into the State of Tennessee as merchandize.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 24, 1854.

### CHAPTER CLIV.

AN ACT for the relief of A. Patterson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the comptroller of the treasury of this State, shall issue his warrant upon the treasury to A. Patterson, for three hundred and sixty-four dollars and 50 cts., being the amount due him for carpets and matting, &c., furnished for the Senate Chamber, and the House of Representatives at its present session, and

the treasurer shall pay the same out of any money in the treasury not otherwise appropriated.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 17, 1852.

## CHAPTER CLV.

AN ACT for the relief of Henry McKenzie.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all claims on the part of the State, to so much of lot No. 1, situated in the town of Nashville, on College street above Broad street, and on the east side of College street, and fronting on the same, being the same purchased and now claimed by Henry McKenzie by deed from Delilah Sumner, registered in the register's office of Davidson county, in book No. 12, pages 590 and 591, be, and the same is hereby relinquished.

SEC. 2. *Be it enacted*, That the provisions of this act shall apply to any and all property left by William B. Downs, deceased, from whom the lot of ground mentioned in the first section has descended.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CLVI.

AN ACT to compensate John Hoys and Wade Curtis for the re-capture of Daniel G. McCarren.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That fifty dollars be and the same is hereby appropriated out of the Treasury, not other-



wise appropriated, to John Hoys and Wade Curtis each, for the re-capture of Daniel G. McCarren, a fugitive from justice.

Sec. 2. *Be it enacted*, That the Comptroller is hereby authorized and directed to issue his warrant on the Treasurer, for the amount mentioned in the first section of this act, to John Hoys and Wade Curtis.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CLVII.

AN ACT for the relief of Lafayette Snodgrass, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury be authorized and directed to issue a duplicate of treasury warrant, No. 2375, for \$11 49, payable to J. C. Johnson, the original warrant having been lost and remaining still unpaid.

Sec. 2. *Be it enacted*, That the Comptroller issue his warrant on the Treasurer to William Hinkle, Andrew Hinkle, and Henry Cole, to the amount of one hundred dollars, for the apprehension of Daniel G. McCarren, who escaped from justice in the county of Hardin, and absconded to the State of Arkansas, and was there apprehended by the said Hinkles and Cole, and brought back to Hardin county.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 23, 1854.

## CHAPTER CLVIII.

## AN ACT for the relief of James Seawell.

*Whereas*, James Seawell entered in the entry taker's office of the county of Shelby, State of Tennessee, on the 10th day of November, 1846, six hundred and twenty acres of land, situate and being in said county of Shelby, at 12½ cents per acre, and obtained a grant for the same from the State of Tennessee on the 24th day of April, 1847.

*Whereas*, also, afterwards, to-wit: at the November term of the common law and chancery court of the city of Memphis, the chancery court declared the said grant to be void, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury, issue his warrant to the said James Seawell, on the Treasurer of the State for the said amount paid by said Seawell to the entry taker of Shelby county, to-wit: the sum of seventy-seven dollars and fifty-cents.

Entry takers  
to refund.

SEC. 2. *Be it enacted*, That when any person in this State has heretofore entered any lands in any entry taker's office, and paid the money required by law, and the said lands was before the entry appropriated, and the money remaining in the hands of the entry taker not paid over to the State Treasurer, it shall be the duty of said entry taker to pay back to said enterer the money he had received for said land, on the enterer making void his entry.

WM H. WISENER,

*Speaker of the House of Representatives,*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CLIX.

## AN ACT to incorporate the Nashville Commercial Insurance Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Woods, Alexander Fall, John Kirkman, Thomas W. Evans, Samuel D.

Morgan, James Nichol, Robert Lusk, Anthony W. Vanleer, James Gordon, Henry Hart, Thomas E. Stratton, L. H. Lanier, Dempsey Weaver, A. V. S. Lindsley, and Edwin A. Horne, and the subscribers to the stock of the company and their successors, shall be, and they are hereby declared to be a body politic and corporate, by the name and style of the "Nashville Commercial Insurance Company," and by that name shall so continue until the first day of May, eighteen hundred and eighty-four, and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law or equity or elsewhere, and to make and use a common seal, and the same to alter or renew at their pleasure, and generally to do and perform all things relative to the objects of this institution, which now is or shall be lawful for any individual or body politic or corporate to do.

Sec. 2. *Be it enacted*, That the capital stock of this company shall be one hundred thousand dollars, to be increased at the pleasure of the stockholders, to one hundred and fifty thousand dollars, divided into shares of fifty dollars each. Ten dollars shall be paid on each share at the time of subscribing, and ten dollars on each share shall, at the same time and place, be secured by negotiable notes, with security, to be approved by the president and directors, payable in one of the banks in the city of Nashville, in ninety days from the date, to the president and directors and company of said "Nashville Commercial Insurance Company." The balance of said stock shall be secured by notes not having more than six months to run, with personal security to be approved by the president and directors, or by a pledge of bank stock to the satisfaction of the president and directors aforesaid. Capital stock.

Sec. 3. *Be it enacted*, That so soon as five hundred shares are subscribed for and paid, or secured to be paid, the company shall be competent to transact all kinds of business for which it is established, and it shall be lawful for the stockholders to meet as hereinafter directed, and choose their directors.

Sec. 4. *Be it enacted*, That the said corporation is hereby authorized and empowered to hold, possess and acquire, and the same to sell and convey, all such real estate as shall be necessary for the transaction of its business, or which may be conveyed to said company for the security of any debt that may become due, or owing, or in satisfaction of any judgment or decree rendered in favor of said company; and may make such May hold real estate.

regulations as shall be necessary and proper for the good government of said company.

**General powers.** SEC. 5. *Be it enacted*, That the said "Nashville Commercial Insurance Company" shall have full power and authority to make insurance upon ships and other sea-vessels, and upon steamboats, flatboats, and other river boats; upon freight, seamen's wages, wares and merchandise, and gold or silver bullion, or money, against all maritime risks, or risks of the rivers, seas or lakes; and upon houses, stores and other buildings, goods, wares and merchandize, furniture and other articles, against fire, and upon bottomry and respondentia, and to fix a premium thereon. And the said company shall have power, 1st, to make insurance on lives; 2nd, to receive and hold land under grants, with general or special covenants, so far as the same may be necessary for the transaction of their business, or when the same may be taken in payment of their debts, or purchased upon sale made under any law of this State, so far as the same may be necessary to protect the rights of said company, and the same again to sell, convey and dispose of; and generally to do and perform all other things necessary to promote these objects.

**How they may vest funds.** SEC. 6. *Be it enacted*, That it shall be lawful for said company to invest any part of its capital stock, money, funds or other property, in any public stock, or funded debt, created, or to be created by or under any laws of the United States, or this, or any other State, or in the stock of any chartered bank in this State, or of the United States, and the same to sell or transfer at pleasure, and again to invest the same, whenever and so often as the exigencies of said company, or a due regard for the safety of its funds shall require; or they may loan the same or any part thereof, to individuals or public corporations on real or personal security, for such periods of time as the directors for the time being shall deem prudent and best for the interests of said company.

**Board of directors.** SEC. 7. *Be it enacted*, That the real and personal estate, business property, and funds of said company, and the administration of its affairs, shall be under the direction, management and control of a board of eleven directors, each of whom shall be owners, in their own name, of not less than ten shares of the capital stock of said company, citizens of the United States and of this State.

**Elections.** SEC. 8. *Be it enacted*, That an election shall be held after the first election, for the election of the board of directors for said company, at the office of said company,

in the city of Nashville, on the first Monday in May in each and every year; of which, ten days' notice shall be given in at least two of the newspapers printed in Nashville; each shareholder giving one vote for each share of which he or she may be the owner, but no shareholder shall be entitled to more than thirty-five votes; and the persons so elected, shall serve as directors for the next succeeding twelve months; and if, at any time, an election shall not be held as herein provided, the said company shall not be dissolved, but the board of directors for the time being, shall serve until another election takes place, which may be at any time thereafter; the board for the time being giving at least ten days' notice thereof, in two of the newspapers printed in Nashville; and the said directors are hereby authorized to fill any vacancy which may happen through death, resignation or other cause.

**Sec. 9.** *Be it enacted*, That the directors so elected shall elect one of their body president of said company, President. who shall serve until the next annual election, and in case of his death, resignation or removal, the board shall appoint a president *pro tempore*. They shall fill all vacancies which may occur in their own body, and shall appoint a secretary and all subordinate officers, clerks, servants and agents of said corporation, fix their compensation, and define their powers, and prescribe their duties, who shall hold their office during the pleasure of the board.

**Sec. 10.** *Be it enacted*, That the president, with four directors, or five directors in the absence of the president, shall have full power and authority, in the name of said corporation, to insure upon all and every description of property hereinbefore mentioned, and may receive for the amount of premium, such security, and payable at such times as they may deem satisfactory, and in conformity with the regulations which may be from time to time established by the board. Quorum.

**Sec. 11.** *Be it enacted*, That the stock of said company shall be held and considered personal property, and that it shall not be assigned or transferred, except by the consent of a majority of two-thirds of the directors, and in the manner and forms which shall be prescribed by the board of directors; yet such stock to be liable for the satisfaction of debts as now prescribed by law to render stock liable. Stock, personal property, and how transferred.

**Sec. 12.** *Be it enacted*, That on the first Mondays in May and November of each year, half yearly statements shall be made of the situation of the capital and of the Semi-annual statements.

**Dividends.** state of accounts of the company, which shall be laid before the shareholders; and such dividends of the profits may be made as the president and directors may think advisable, but they shall, in no case, diminish the capital stock.

**Calls on stock.** SEC. 13. *Be it enacted,* That if at any time, a stockholder shall fail to pay such instalments on his stock as may be called for, at the time and in the manner prescribed, the board of directors for the time being, shall have full power to declare such stock forfeited, and shall, after giving ten days' notice thereof, offer the same for sale at public auction, to the highest bidder, for cash; and the number of shares so sold, shall be transferred by the president of the board of directors to the highest bidder, who shall, by virtue of such transfer, become a member of said company; and if the sum bid be not equal to the amount paid and the call for which it is sold, the company may proceed to collect the residue from the original stockholder, by suit in any court or tribunal in this State having jurisdiction thereof.

**Additional security.** SEC. 14. *Be it enacted,* That the board of directors shall have power at any time, when in their opinion, the interest of the company requires it, to demand of any stockholder additional security for such part of his stock as may remain unpaid; and if such stockholder shall fail or refuse to give such additional or other security to the satisfaction of the board of directors, they may declare such stock forfeited, and sell the same as provided for in the preceding section.

**First election.** SEC. 15. *Be it enacted,* That so soon as the amount of stock mentioned in the third section in this act is subscribed for, and after five days' notice in two of the newspapers published in Nashville, signed by any three members of the company, the shareholders shall meet at such time and place as may be appointed within the city of Nashville, and elect by ballot, the first board of directors. A plurality of votes given shall elect; and the persons so elected, shall, at their first meeting, elect one of themselves president of the board, who, with the said directors shall serve until the first Monday in May, 1855, and until another board of directors is elected.

**When individual property liable.** SEC. 16. *Be it enacted,* That no stockholder or member of this company shall be answerable in his person or individual property, for any contract or agreement of said company, or for any losses, deficiencies or failures of the capital stock of this company, but the whole of the said capital stock, together with all property, rights and credits belonging thereto, and nothing more, shall,

at any time, be answerable for the demands against said company. *Provided*, that any director or directors who shall sanction or aid in the continuance of the business of said company after it shall become insolvent and unable to meet its liabilities, and said fact known to the directors, shall be held personally responsible for all deposits thereafter made, or liabilities thereafter incurred by said company.

SEC. 17. *Be it enacted*, That nothing herein contained shall be so construed as to give the company hereby created, the power of issuing bills of credit, or exercising banking privileges. Banking prohibited.

SEC. 18. *Be it enacted*, That nothing herein contained shall be so construed as to prevent the legislature from granting similar powers and privileges to similar associations.

SEC. 19. *Be it enacted*, That said company shall have power to insure any personal property not named in the above act.

SEC. 20. *Be it enacted*, That the company hereby created shall have all the rights and privileges that belong, by the existing laws, to the other insurance companies of the State.

SEC. 21. *Be it enacted*, That a bonus to the State of one quarter of one per cent upon their capital be paid for the use of common school in the State of Tennessee.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 11, 1854.

## CHAPTER CLX.

AN ACT for the relief of D. M. Sanderlin and Jefferson Messick.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the trustees of the Male Academy at Raleigh, Shelby county, be, and they are hereby authorized to pay Dempsey M. Sanderlin and Jefferson Messick, whatever sum may be due them for building the house for said male academy, out of any academy money now in their hands, or that may hereafter be paid to them.

**SEC. 2.** *Be it further enacted,* That the trustees of Forrest Hill Academy, in McMinn county, be, and they are hereby authorized and empowered to use any monies or effects belonging to said academy, in their hands, for the purpose of erecting or paying for the erection of suitable academy buildings.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CLXI.

AN ACT for the relief of the securities of Wm. L. Dewoody, late clerk of the county court of Shelby county, Tennessee.

*Whereas,* at the September term, 1853, of the circuit court of Shelby county, held in the town of Raleigh, Tennessee, a judgment was recovered by the State of Tennessee against Wm. L. Dewoody and his securities, upon his bond as clerk of the county court of said county of Shelby, for the sum of ——— dollars; from which judgment said securities, or a part of them, prayed for and obtained an appeal to the supreme court at Jackson; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That if the said judgment is affirmed by the supreme court, the attorney general and Judge of the 11th judicial circuit is hereby authorized and empowered to indulge the said securities for the payment of the amount of said judgment, for the space of four years from this date. *Provided, always,* that said indulgence shall not be given, unless, in the opinion of said attorney general and judge of the 11th judicial circuit, said judgment will be in no wise endangered by giving the time hereby authorized to be given.

**SEC. 2.** *Be it further enacted,* That the said securities may avail themselves of the benefit of this indulgence by appearing in open court at any term of the circuit court of Shelby county, with two or more good and sufficient securities, to be approved of by said attorney general, and confessing judgment for the full amount of

Securities to  
 give bond.



said supreme court judgment; and such confession of judgment shall be a satisfaction of said supreme court judgment, except the cost, which shall be paid by the said securities; and thereupon the judgment of the circuit court shall be stayed for the term of four years from the passage of this act.

Sec. 3. *Be it further enacted*, That the said attorney general shall have full discretion to take a confession of judgment in the manner above designated in the 2nd section of this act, from each of said securities, for his proportionate share of said supreme court judgment, or for any amount of the same that may be agreed upon by them. *Provided*, such division of the judgment does not, in his opinion, endanger the collection of the same.

Sec. 4. *Be it further enacted*, That when the securities, or so many of them as shall join in securing the amount of the judgment, shall have secured to the satisfaction of the court and the attorney general, the amount of the same, as before provided, they shall have judgment over against their principal, William L. De-woody, for the full amount, and against such of the securities as do not join in securing said judgment against each, for his ratable proportion of said judgment, including only such securities as are legally liable.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 4, 1854.

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## CHAPTER CLXH.

AN ACT to change the name of Mary Ann Edwards and Harriet Hampton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Lyons be permitted to adopt Mary Ann Edwards as his own child, which is hereby declared to be done, and the same rights and benefits are hereby and by virtue of such adoption, conferred upon said Mary Ann as she would be entitled to had she been born the child of said James Lyons; that she be entitled and capable of inheriting or succeeding to the personal or real estate of said James Lyons, as fully as if born his own child; and that her name be,

and the same is hereby changed from Mary Ann Edwards to Mary Ann Lyons.

**Harriet Hampton**  
*Sen.* SEC. 2. *Be it further enacted,* That Thomas Burroughs of Grundy county, be permitted to adopt Harriet Hampton as his own child, which is hereby declared to be done, and the same rights and benefits are hereby and by virtue of such adoption, conferred on said Harriet as she would be entitled to had she been born the child of said Thomas Burroughs; and that the name of said Harriet Hampton be changed to that of Harriet Burroughs; that she be entitled to and capable of inheriting or succeeding to the personal or real estate of said Thomas Burroughs, as fully as if born his own child in wedlock.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 16, 1854.

## CHAPTER CLXIII.

AN ACT to ascertain the sense of the voters of Tipton county, concerning the removal of the seat of justice from Covington to Randolph.

*Whereas*, on the 12th day of December, 1851, an act was passed, entitled "an act to permanently establish the seat of justice of Tipton county," by which it was provided that an election should be held in said county of Tipton in March, 1852, at the time of electing county officers, for the purpose of ascertaining the will of the people in said county, whether the county seat should remain at Covington or be removed to Randolph; and whereas, said election was held in Tipton county at the time specified, and for the purpose aforesaid, being the day of election for county officers, and a majority of those voting at said election voted in favor of Covington and against removing the seat of justice to Randolph; and, whereas, at the present session of the legislature a memorial from five hundred and one of the citizens of said county, has been presented, praying that a law might be passed to remove the seat of justice from Covington to Randolph, to take effect after an election

had been held in said county to ascertain the will of the voters of said county on this subject; and, whereas, by the provisions of the 4th section of the 10th article of the constitution of the State, the seat of justice in Tipton county can only be removed with the concurrence of two-thirds of both branches of the legislature; and, whereas, another memorial from those opposed to removing the seat of justice from Covington to Randolph, has also been presented to the general assembly; and, whereas, there appears to be a great contrariety of opinion among the citizens of said county on the subject of removing the county seat; and, whereas, in order more fully to ascertain the sentiment of the citizens of said county on this question, and to obtain an unmistakeable expression of the opinion of the voters of said county concerning the removal of the seat of justice from Covington to Randolph; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the sheriff of Tipton county, after giving forty days' notice in writing, to be posted up at all the voting places in said county, to open and hold an election at the several places of voting in said county, on the first Saturday in November, 1854, where and when all persons constitutionally entitled to vote for county officers, may vote for the place where the seat of justice of Tipton county is to be located—namely: whether it shall remain at Covington or be removed to Randolph, in said county.

**SEC. 2.** *Be it enacted,* That at said election, the town of Randolph and the town of Covington shall be put in nomination for the seat of justice of said county; and <sup>Manner of voting.</sup> all those voting for Covington to remain the seat of justice, shall write on their tickets the word, "Covington;" and all those voting for the removal of the seat of justice to Randolph, shall write on their ticket the word, "Randolph;" and after counting out and comparing all the votes given for and against the removal of the seat of justice in said county, it shall be the duty of the sheriff of said county to make a true and perfect return of said election to the Secretary of State, and it is hereby made the duty of the Secretary of State to report the same to the next general assembly, to operate as an expression of the will of said county to that body in their action on the subject of removing the seat of justice from Covington to Randolph.

**SEC. 3.** *Be it enacted,* That it shall be the duty of the county court of Tipton county, on the first Monday in July, 1854, to appoint judges of such election in such

manner and with such powers as judges are appointed of other elections in this State.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER CLXIV.

AN ACT for the benefit of Wm. Craig.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the comptroller is hereby authorized to issue his warrant on the state treasurer in favor of William Craig, sheriff of Knox county, for the sum of nineteen dollars and five cents, on account of State tax improperly paid by said Craig, July, 1851.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 10, 1854.

## CHAPTER CLXV.

AN ACT directing money to be paid out of the Treasury to R. C. McNairy, for curtains furnished by him to Senate.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the comptroller of the treasury issue his warrant to the treasurer of this State, in favor of R. C. McNairy for the sum of nine hundred and one dollars and forty-four cents; that being the sum due said McNairy for curtains and the money paid by him for making and causing the same to be put up in the

Senate chamber during the present session of the General Assembly.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CLXVI.

AN ACT appointing Thos J. Johnson to settle with Wm. Smith and Alexander Campbell.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas J. Johnson be appointed to settle with Wm. Smith and Alexander Campbell, commissioners on the road from Shultz to Sneedville, without delay; with full power to call for books, papers, and any further proof that he may think necessary; and that said Campbell be allowed the sum of two dollars per day for his services, out of the fund appropriated to construct said road.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 20, 1854.

## CHAPTER CLXVII.

AN ACT for the relief of J. K. Shook.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the branch of the Bank of Tennessee, located at Shelbyville, Tennessee, be, and is hereby authorized and directed to pay to James K. Shook, out of the school fund in said bank, belonging to section No. 1, and range No. 8, and lying in Franklin county, Tennessee, arising from the sale of the section of school land in said township, known as Keith's tract of

school land, the sum of fifty-three dollars, with interest from the 8th day of October, 1847, the date of the sale of said school land; said Shook having executed his notes for and paid fifty-three dollars too much for lot No. 9, purchased by him at said sale.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 20, 1854.

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## CHAPTER CLXVIII.

AN ACT for the relief of Mitchell H. Frogg, and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Mitchell H. Frogg, John Putts, John Cobb, and William F. Richardson, securities, upon a recognizance entered unto the State of Tennessee, for the appearance of Evan D. Frogg in the supreme court, to answer a charge of malicious shooting, be, and the same are hereby released and discharged from the penalty of said recognizance; and the attorney General for the State is hereby directed to enter a *nolle prosequi* upon the *scire facias* sued out in said supreme court upon the recognizance aforesaid. *Provided*, the said Mitchell H. Frogg and others, shall pay the costs of said *scire facias*.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 15, 1854.

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## CHAPTER CLXIX.

AN ACT to authorize the heirs of Richard B. Hinton to take wharfrage.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said heirs of Richard

B. Hinton, be, and they are hereby authorized to collect from steamboats and other water crafts that may land at their wharf, the same rates of wharfage that the Franklin Wharf Company, of the town of Clarksville, are authorized to exact by the charter granted by the General Assembly of the State of Tennessee, on the 15th January, 1844.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 25, 1854.

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## CHAPTER CLXX.

AN ACT to authorize Benjamin Alls, of Marion county, to erect a Milldam and mill on Sequatchie river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Benjamin Alls, of Marion county, be authorized to erect a milldam and mill on Sequachie river, so as not to obstruct the navigation of said river, or a ford on a public road on said river.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 20, 1853.

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## CHAPTER CLXXI.

AN ACT to repeal the act declaring the middle fork of the Forked-deer river navigable above McDowell's mill, in the county of Gibson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws heretofore passed, declaring the middle fork of Forked-deer river, above John D. McDowell's mill navigable, and requiring John D. McDowell and others, having mills above that point,

to build and keep in repair locks and dams, be, and the same are hereby repealed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CLXXII.

AN ACT to construct a bridge across Stone's river, at or near Stewart's Ferry.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That four thousand dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to the Statesville and Stewart's Ferry Turnpike Company; and the comptroller shall issue his warrant for the same, when it shall appear to him that said company have constructed a bridge across Stone's river, at or near Stewart's ferry, in such manner as bridges are usually constructed across such rivers.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CLXXIII.

AN ACT to declare Doe River navigable, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Doe river is hereby declared navigable for down stream navigation, from its mouth up to Peter Emmitt's saw mill in Carter county.

SEC. 2. *Be it further enacted*, That all laws declaring Rutherford's fork of Obion river navigable above A. Keatley's mill, and requiring said Keatley and others

Rutherford's  
Fork.



owning mills above that point to keep in repair, locks and dams, be, and the same are hereby repealed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CLXXIV.

AN ACT for the relief of Washington F. Williams.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the comptroller of the treasury issue his warrant to the treasurer of the State, payable to the order of Washington F. Williams, for the sum of sixty-nine dollars and seventy-five cents, to remunerate said Williams for his expenses and services rendered to the State as deputy sheriff of the county of Putnam, for the guarding and conveyance of Baldwin Rowland, a State prisoner, from the jail in the town of Gainsborough, in the county of Jackson, to the White Plains, in the county of Putnam, for trial for murder.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER CLXXV.

AN ACT to declare Spring Creek, in Rutherford county, navigable from its mouth to Barber's Spring.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Spring Creek, in Rutherford county, be, and the same is hereby declared navigable from its mouth to Barber's Spring, and that the citizens living on and near said creek, be, and they are hereby

authorized to remove such obstructions out of said stream as tends to impede the navigation of the same.

SEC. 2. *Be it further enacted*, That any person or persons who may place obstructions in said stream, so as to interfere with the navigation of the same, shall be subject to the same fines and penalties now imposed under existing laws, regulating the navigable streams in this State.

SEC. 3. *Be it further enacted*, That it shall be lawful for persons interested in the navigation of said stream, to remove any obstructions to its navigation, upon compensating the owners of the lands for any damage resulting therefrom.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CLXXVI.

AN ACT to incorporate the Spring Street Bridge Company.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That John Shelby, Nicholas Hobson, J. B. McFerrin, A. V. S. Lindsley, Isaac Litton and Carlos Dimick, or any two of them, are hereby authorized to open books, and receive subscriptions of stock to the amount of one hundred and fifty thousand dollars, if necessary, for the erection and maintainance of a suspension bridge across the Cumberland river, from the mouth of Spring Street, or any point between that and the public square, to the opposite bank of the river, with all necessary approaches to said bridge.

SEC. 2. *Be it enacted*, That so soon as fifty thousand dollars of said capital stock shall have been subscribed, the subscribers shall become a body politic and corporate by the name and style of the Spring Street Bridge Company; which company are hereby invested, for the purposes aforesaid, with all the powers, rights and privileges, and shall be subject to all the provisions, restrictions and liabilities granted to and imposed upon the Broad Street Bridge Company, by its act of incorporation, passed on 20th December, 1845, so far as they may

be consistent with the objects and provisions of this act.

SEC. 3. *Be it enacted*, That the affairs of the company hereby incorporated, shall be managed by seven directors, to be chosen annually, after due and proper notice shall be given of said election ; and the directors shall continue in office for one year, and until their successors shall be properly chosen.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CLXXVII.

AN ACT to establish the line at certain points, so as to leave the lands of William Moulden, and the heirs of D. Adams, on which they reside, in the county of Knox.

*Whereas*, doubt exists as to the true line between the counties of Knox and Sevier, and contests now exist in relation to the same, and William Moulden, and D. Adams, deceased, and their lands have, since the organization of Knox county, been regarded as in Knox county, and the said Moulden is now, and has been for many years, a justice of the peace in Knox county, and in the contest now existing as to said line, it is probable, without legislation, a part of the lands of said Moulden and the heirs of D. Adams, may be left in Sevier county ; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the lands of said Wm. Moulden and the heirs of D. Adams, deceased, on which said Moulden now resides, and on which said Adams resided at the time of his death, shall be included in the said county of Knox ; and this, whatever may be the result of the contest now pending as to said line, and in any line which shall be run under the contest aforesaid, or which shall be adjudged therein, the said lands of William Moulden, and the lands of D. Adams, shall be included in Knox county.

SEC. 2. *Be it further enacted*, That the county line between the counties of Polk and McMinn be so changed Line of Polk  
and McMinn

as to include all of the north-west quarter of section 2, in range 2, west of the meridian second fractional township, Hiwassee district, in the county of Polk, being the quarter section on which Charles McClary now resides.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 21, 1853.

## CHAPTER CLXXVIII

AN ACT to clear out the drift in the mouth of the Forked-deer river.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the sum of six thousand dollars be, and the same is hereby appropriated for the purpose of removing the obstructions, and clearing out the drift in the mouth of the Forked-deer river; and that E. W. Tipton, Joseph Mitchell and Thomas H. Fulks, of Dyer county, and P. G. Davenport and J. W. Steele, of Lauderdale county, be, and are hereby appointed a board of commissioners, for the purpose of superintending and carrying out the object intended by this act.

**SEC. 2.** *Be it enacted,* That said commissioners, before entering upon the discharge of their duties, shall be required to go before some acting justice of the peace in Dyer or Lauderdale counties, and subscribe to an oath for the faithful performance of the work designed to be accomplished; and said commissioners, upon presenting to the comptroller of the treasury a certificate from a justice of the peace, before whom they have been sworn, shall be entitled to the amount hereby appropriated; and the comptroller of the treasury is hereby authorized to issue to said commissioners, or their legally appointed agents, his warrant upon the treasurer, for six thousand dollars.

**SEC. 3.** *Be it enacted,* That said commissioners shall have the right to make such improvements at the mouth of Forked-deer river, as may, in their judgment seem necessary, for the purpose of preventing drift timber

from the Mississippi river again obstructing the navigation of the said Forked-deer river at its mouth.

**Sec. 4. *Be it enacted*,** That said commissioners shall have power and authority to elect a president and Secretary from their body; and said commissioners shall be paid by the county courts of Dyer and Lauderdale counties; each county, paying respectively, its commissioners, such sums as to the court may seem just and proper for the services rendered by said commissioners.

**Sec. 5. *Be it enacted*,** That should a vacancy or vacancies occur in the board of commissioners appointed by this act, then, in such an event, it shall be the duty of the county courts of Dyer and Lauderdale, to fill such vacancies.

**Sec. 6. *Be it further enacted*,** That it shall be the duty of the said commissioners to make a report to the Governor of the State by the first Monday in November, 1855, showing the manner in which they have discharged their respective duties, setting forth the amount they may have expended, and how the work has been done; which report shall be sworn to by said commissioners.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 31, 1854.

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## CHAPTER CLXXIX.

**AN ACT** to authorize the county of Montgomery to take stock in the Memphis, Clarksville and Louisville Railroad Company, and for other purposes.

*Whereas*, the president and directors of the Memphis, Clarksville and Louisville Railroad Company petitioned the county court of Montgomery to direct an election to be held at the various precincts for voting in said county, to ascertain whether the qualified voters were willing that the county of Montgomery should take stock in said company, to the amount of two hundred and fifty thousand dollars, upon conditions that the legislature of the State of Tennessee would authorize the said county court, through its chairman, to issue the bonds of said county for said sum of money, payable thirty years af-

ter date, with coupons, for interest at the rate of six per cent per annum, payable semi-annually; and that said county court, having directed an election to be held at the various precincts in said county on the 20th day of October, 1853; and a majority of all the votes polled having been cast in favor of the subscription of said amount of stock upon the condition above set forth; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the chairman of the county court of Montgomery county, be, and he is hereby authorized, in pursuance of said vote, to subscribe stock in said road, on behalf of said county, to the amount of two hundred and fifty thousand dollars.

**SEC. 2.** *Be it further enacted,* That upon the application of the president and directors of said railroad company, the chairman of said county court may issue to said company the bonds of said county, having thirty years to mature, with coupons for interest at the rate of six dollars per centum per annum, payable semi-annually at such place as such company may direct, which bonds shall be issued in such amounts as said president and directors may direct, and shall be signed by their chairman, and countersigned by the clerk of the county court of said county.

**SEC. 3.** *Be it enacted,* That in the event the profits arising from the dividends of the stock owned by said county in said road, shall not be sufficient to pay the interest on said bonds, and shall not be sufficient to raise a surplus by creating a sinking fund to pay said bonds at maturity, the county court shall levy a railroad tax in the manner prescribed by the act, passed the 22nd January, 1852; which, when collected, shall be applied to the payment of the interest on said bonds, and to the creation of a fund with which to pay the bonds when they shall mature; and the respective sums paid by each tax-payer shall constitute so much stock in said railroad company, as provided in said act passed 22nd January, 1852. *Provided,* that said county court may, if it should be thought best, sell the said stock for the purpose of paying off said bonds.

**SEC. 4.** *Be it further enacted,* That the act incorporating said railroad company be so amended as to authorize said company to connect and meet with any railroad company or companies which have been, or may be incorporated by the legislature of either the State of Kentucky, or the State of Tennessee; and if such companies desire, they may consolidate the stock of said road and

May issue  
bonds.

Interest.

Charter of the  
M., C. & L. R.  
R. amended.

their interest, so as to have but one railroad, one company, and one set of directors and officers.

SEC. 5. *Be it further enacted*, That said Memphis, <sup>Stock paid in</sup> Clarksville and Louisville Railroad Company, or the <sup>lands or other</sup> company or companies with which it may be consolidated, shall have power to take and receive subscriptions for stock in lands lying within six miles of the road, in work, or in materials to be furnished said company upon such terms and conditions as may be agreed upon by the contracting parties.

SEC. 6. *Be it further enacted*, That the charter of the East Tennessee and Georgia Railroad Company be so <sup>E. Tenn. & Ga.</sup> amended, that the annual meeting of the stockholders <sup>Railroad.</sup> be changed from the first Monday in January to the first Wednesday in September. This amendment to take effect from and after its ratification by the stockholders at their first meeting.

SEC. 7. *Be it enacted*, That the act incorporating the Knoxville and Charleston Railroad Company be so <sup>Knoxville & Charleston</sup> amended that the capital stock of said company be in- <sup>Railroad.</sup> creased, whenever said company desire to do so, to three millions of dollars, or to any amount short of that sum.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER CLXXX.

AN ACT to authorize certain counties to take stock in railroads, and to issue the bonds of said counties for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the counties of Claiborne, Campbell, Anderson, Knox, Montgomery, Stewart, Henry, Gibson, Tipton, Shelby and Madison shall have the same authority and power to take stock in railroads, and to issue their bonds, and shall be subject to the same privileges and restrictions as are granted to the counties of Lawrence, Maury, Williamson, Davidson, Jefferson, Greene, Hawkins, Washington, Carter, Sullivan, Grainger and Warren, by an act passed February 28,

1852, entitled "an act to incorporate the Nashville, Franklin and Columbia Railroad Company.

SEC. 2. *Be it further enacted*, That the acts of any of said counties in voting stock in railroads, and to issue county bonds for the same, not heretofore provided for by law, shall hereby be declared as valid and binding as though said acts had been strictly in accordance with law.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 18, 1854.

## CHAPTER CLXXXI.

AN ACT to change the line between Grundy and Marion counties, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between Grundy and Marion counties be so changed: Beginning on the south-east corner of Grundy county, running a north-eastwardly course to the Carlton place where John Lockheart now lives, and thence to the north-east line of Grundy county, so as to include as much territory now of Grundy county as is intended to be sticken off of Marion county.

SEC. 2. *Be it enacted*, That the county courts of Grundy and Marion counties may appoint a surveyor of each county, with the necessary chain carriers and markers Compensation. to run and mark said line; and when done, the county court of Grundy county shall appropriate the sum of two dollars and fifty cents each, per day, to the surveyors, and one dollar per day to the chain carriers and markers who may be necessarily employed in said duty.

SEC. 3. *Be it enacted*, That the citizens of Grundy county be authorized to file bills and commence other proceedings in the chancery court at Jasper, as they are permitted to do at McMinnville or Manchester. Chanc'ry court at Jasper.



**SEC. 4.** *Be it further enacted,* That the 8th section of an act, entitled "an act to alter and change the line between the counties of Smith and DeKalb, and for other purposes," passed February 2, 1852, be, and the same is hereby repealed. Line between Grundy and Coffee.

**SEC. 5.** *Be it further enacted,* That the fourth section of an act, passed on the 26th day of January, 1852, to change the dividing line between Campbell and Claiborne counties," be, and the same are hereby repealed. Line between Carter and Johnson.

**SEC. 6.** *Be it enacted,* That the lines between the counties of Macon and Sumner be so changed as to embrace within the limits of Sumner county the dwelling house of George H. Carter. Sumner and Macon.

**SEC. 7.** *Be it enacted,* That the line between the counties of Maury and Marshall be so changed as to embrace the dwelling house of James W. Baird within the limits of Marshall county, and the said Baird is hereby declared to be a resident of Marshall county. Maury and Marshall.

**SEC. 8.** *Be it further enacted,* That the county line between the counties of White and DeKalb be so changed as to include the lands and possessions of Charles Denney in the county of White. White and DeKalb.

**SEC. 9.** *Be it enacted,* That the line between the counties of Scott and Fentress be so changed as to include the possessions of Belfield Moore in the county of Fentress. Scott and Fentress.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CLXXXII.

AN ACT for the relief of Davidson county.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter a grand jury shall not be empaneled in the criminal court of Davidson county, unless the judge of said court shall, at any term, deem it proper to empanel a grand jury; in which case, he shall order one to be summoned for the spe-

cialcase, or for the term according to his discretion.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CLXXXIII.

AN ACT to amend the several acts incorporating the city of Knoxville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the northern boundary line of the city of Knoxville be so changed as to embrace the ground conveyed to the Mayor and Aldermen of said city by Wm. G. Swan and Joseph A. Mabry, and that the jurisdiction of the said mayor and aldermen be extended over said ground to as full an extent as they now have jurisdiction over the territory at present incorporated.

SEC. 2. *Be it enacted*, That the following named persons be, and the same are hereby appointed town commissioners for the town of Jacksborough, to-wit: David Sharpe, Sampson D. Queener, Sampson David, James Stamfill and George Delap.

Town of Jacks-  
borough.

SEC. 3. *Be it enacted*, That it shall be the duty of the said commissioners to appoint a surveyor, and cause an accurate survey of said town of Jacksborough to be made under their direction; which survey shall conform as near as may be practicable to the original plan and survey of said town; and a plat thereof shall be signed by the surveyor and certified by said commissioners, and shall be spread on the books of the register of Campbell county.

Survey.

SEC. 4. *Be it enacted*, That in making out the plat of said survey it shall be the duty of said commissioners to name any streets or alleys, the original name of which may be lost or forgotten; and all streets, alleys and commons ascertained by said survey to be the public streets, alleys and commons of the town of Jacksborough, are hereby declared public, and any person obstructing the same shall be subject to the same penalties as persons now are for obstructing public highways.

**Sec. 5. *Be it enacted,*** That of the said commissioners, a majority shall constitute a quorum for business, and the county court of Campbell county shall fill any vacancy that may occur in their body; and said commissioners, and such surveyor as they may employ, shall be paid out of the county treasury at the rate of one dollar per day for their services, as hereinbefore set forth; and the register of said county shall be entitled, for his services hereinbefore mentioned, out of the county treasury, the fee now allowed by law for registering a deed.

**Sec. 6. *Be it further enacted,*** That James H. Cowan, Charles Coffin, Donald Campbell, James C. Luttrell and Campbell Wallace, of the county of Knox; James B. <sup>Knoxville &</sup> Cook, Thomas J. Campbell and Richard C. Jackson, of <sup>Dalton Tele-</sup> the county of McMinn; and Thomas H. Calloway, Jno. <sup>graph Co.</sup> C. Gautt and William H. Tibbs, of the county of Bradley, be appointed commissioners; any two or more of whom, may open books at such time and place as they may choose, to receive subscriptions to the capital stock of the Knoxville and Dalton Telegraph Company, chartered by this act, for the purpose of erecting, maintaining and using a line of telegraph from Knoxville to the Georgia line in the direction of Dalton.

**Sec. 7. *Be it enacted,*** That the capital stock of said company shall be one hundred thousand dollars, in shares <sup>Capital stock.</sup> of one hundred dollars each, and that so soon as twenty thousand dollars of said capital stock shall have been subscribed, the subscribers shall become a body politic and corporate under the name and style of the Knoxville and Dalton Telegraph Company.

**Sec. 8. *Be it enacted,*** That the said company, after <sup>Gen'l powers</sup> acquiring the patent right from whomsoever it may rightfully belong, may proceed to erect a telegraph line on the route aforesaid, and for this purpose, shall be invested with all the powers, rights, privileges and protections, and be subject to all the liabilities, penalties restrictions and provisions conferred and imposed on the "Augusta, Atlanta and Nashville Magnetic Telegraph Company," by an act passed on the 22d January, 1852, so far as the same may be applicable, and not inconsistent with the objects and purposes of this act.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 31, 1854.

## CHAPTER CLXXXIV.

AN ACT to incorporate the town of Altamont, in the county of Grundy, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Altamont, in the county of Grundy, and the inhabitants thereof, be, and they are hereby constituted a body politic and corporate, by the name of the Mayor and Aldermen of the town of Altamont, and shall have continued succession; and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold, real, personal, and all other qualities of property, or may dispose of the same for the benefit of said town or corporation; and may have and use a town seal.

**SEC. 2.** *Be it enacted,* That the corporation of the town of Altamont shall include all lands within one half mile square from the court-house of said town—to-wit:  
Boundaries. Beginning at a point one half of a mile from said court-house, due east; thence due north, one half mile; thence due west, one mile; thence due south one mile; thence due east one mile; thence one half mile north to the beginning.

**SEC. 3.** *Be it enacted,* That the constable in the fifth civil district of Grundy county is hereby authorized, and it is made his duty to open and hold an election in said town of Altamont, on the first Saturday of March next, after giving ten days' notice of such election, by two advertisements put up in said town, to elect five aldermen, and give to each a certificate of his election; and it shall be the duty of said aldermen, on the Saturday following, or as soon thereafter as may be convenient, to elect one of their body mayor, all of whom shall hold their offices for twelve months, and until their successors are elected and qualified; and forever thereafter an election shall be held on the first Saturday of March in each and every year.  
Elections.

**SEC. 4.** *Be further it enacted,* That the following sections of an act passed January 7, 1850, entitled "an act for the incorporation of the citizens of any town, city, or village, in the State of Tennessee, who may desire it," to-wit: sections fifth, sixth, seventh, eighth, eleventh, twelfth, thirteenth and sixteenth, shall be, and the same are hereby embraced as a part of this act.

**SEC. 5.** *Be it enacted,* That on failure of the constable of civil district, No. 5, to open and hold the election heretofore named in this act for aldermen, it may, and

shall be lawful for him to hold the same at any time thereafter, after having given such notice as is required by the 3rd section of this act.

**Sec. 6. *Be it enacted,*** That the authorities thus established in the town of Altamont shall have power to levy School tax. a tax not exceeding the State tax upon all property, privileges, polls, &c., for the purpose of education whenever a majority of the legal voters of said town of Altamont shall so direct, by having voted in favor of the same by ballot.

**Sec. 7. *Be it enacted,*** That from and after the passage of this act, the corporation of the town of Springfield shall Corporation of Springfield. have full power and authority to enact such by-laws and ordinances as may be necessary and proper to preserve the health, quiet and good order of the said town of Springfield; to prevent or remove nuisances; to establish night-watches and patrols; to punish breaches of good order committed within the corporate limits of said town; to ascertain and declare, when necessary, the boundary of the streets and alleys of said town; to grant privileges of the use and enjoyment of streets and alleys; to sell or dispose of them if deemed expedient or necessary; to provide for the licensing, regulating and taxing of auctions; any kind of theatrical, and other shows and exhibitions; to restrain and prohibit gaming; to prohibit the exhibition or keeping of stallions, jacks or bulls, within the limits of said corporation.

**Sec. 8. *Be it enacted,*** That said corporation have full power and authority to pass by-laws and ordinances, a Gen'l powers majority of the aldermen, together with the mayor, being present, proper for the preservation of the health and comfort of said town; for the removal of nuisances; for the removal of any obstructions in the streets, sidewalks, alleys, or public square of said town; for the paving, graveling, grading of the streets, sidewalks, or public square of said town; to establish and regulate markets and inspections; to provide for the establishment and regulation of fire companies; the sweeping of chimneys; sweeping and cleansing of the streets, side-walks, alleys and public square of said town; for the sweeping, cleansing and removing all filth of the stables, barns, shops, lots, kitchens, yards and dwellings, within the limits of said corporation of said town; to erect water-works within the limits of said corporation for the purpose of supplying said town with fresh water, if the same be necessary for the health and convenience of said town; to dig wells and erect pumps on the public streets, or public grounds; to impose and col-

fuse to pay the same within the year for which said tax or duty was levied or imposed, it shall be the duty of the recorder, when such refusal or failure may occur, upon the fact being reported to him by the constable of said corporation, that the owner or owners have no personal property upon which he can distrain, to report said real estate to the circuit court of the county of Robertson, at the first or second term of the year next succeeding; and it shall be the duty of said court, when such report shall be made, to enter up judgment against said real estate, for the taxes or duties remaining unpaid thereon; and said real estate shall be sold by the sheriff of said county of Robertson, at the same time and place, and in the same manner, and under the same conditions as if the taxes had been and were due the State and county, and which shall vest the title in the purchaser as in other tax sales; and the sheriff shall pay over to the treasurer of said corporation, any taxes so by him received for said corporation; and upon his failure, shall be liable, on motion, for the amount due, and cost, as in other cases.

Duty of jailor.

SEC. 15. *Be it enacted*, That said corporation may build, for its own use, a lock-up house, in which to deposit riotous or disorderly persons, who may be apprehended during the night time, for safekeeping until otherwise disposed of; and it shall be the duty of the jailor of Robertson county, to receive and keep in jail, all riotous and disorderly persons committed to his charge in the night time, by the town constable of said corporation, for which he shall receive the same fees as in other cases of imprisonment.

Elections and term of office.

SEC. 16. *Be it enacted*, That on failure of the sheriff of Robertson county, or his deputy, to advertise and hold the election of aldermen at the time specified in the 10th section of this act, it may and shall be lawful for said sheriff or deputy, to hold the same at any time, on giving the notice as required by said section. *Provided*, that said aldermen, so elected, shall hold their offices for two years from the time said regular election should have been held, and until their successors are elected and qualified as provided for in said tenth section of this act; and that the mayor, recorder, treasurer and constable elected by said aldermen so elected as stated in this section, shall hold their offices for two years from the time of said regular election, and under the provisions of this act.

SEC. 17. *Be it enacted*, That the mayor and aldermen

of said corporation have the right and privilege of blending the offices of recorder and treasurer, and devolving the duties of the two offices on one individual.

SEC. 18. *Be it enacted*, That if the inhabitants of the town of Springfield desire to extend the boundaries of said town, and the corporate limits of said town, that the same may be done by the mayor and aldermen of said town, provided that two-thirds of the voters included <sup>Extension of boundaries.</sup> in the new extension vote in favor of such extension; that the mayor and aldermen shall appoint some suitable person to open and hold an election in some convenient place in said new extension, first giving ten days' notice to the voters of said new extension, to vote for or against said new extension; which said person, so holding the election, shall appoint three judges and two clerks of the voters of said new extension, who shall judge and clerk at said election; and said person, so holding the election, shall certify to the mayor and aldermen the correct poll of said election; and if it should be found by the mayor and aldermen, that two-thirds of the votes so polled, shall be in favor of said new extension, said new extension shall be declared a part of said corporation.

SEC. 19. *Be it enacted*, That the bonds of the recorder, treasurer and constable, described in the 11th section of this act, shall be made payable to the mayor and aldermen of the town of Springfield, and their successors in office.

SEC. 20. *Be it enacted*, That the mayor and aldermen, recorder, treasurer and constable of the town of Springfield, shall be allowed such fees for their services as <sup>Fees.</sup> mayor, aldermen, recorder, treasurer and constable, as mayor and aldermen may, from time to time, allow.

SEC. 21. *Be it enacted*, That the mayor and aldermen may make such rules and regulations, and pass such by-laws and ordinances as may be deemed necessary and proper to protect, preserve and perpetuate the public <sup>Burying ground.</sup> burying ground, or graveyard within the corporation of said town of Springfield; that they shall appoint a sexton for the same, and describe and define his duties, and the remuneration which he shall receive for his services; he shall hold his office for two years, and until his successor is appointed, but be liable, however, to be removed by the mayor and aldermen at any time, for any misconduct in office.

SEC. 22. *Be it enacted*, That said mayor and aldermen shall have power to levy a tax, not exceeding the State and county tax, upon all property, privileges, polls, &c., <sup>School tax.</sup>

for the purpose of education, when a majority of the legal voters of said town so directs.

SEC. 23. *Be it enacted*, That the present board of mayor and aldermen hold their offices, and continue to exercise the functions of their office until the new board of aldermen can be elected and qualified under this act.

SEC. 24. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act, be, and the same are hereby repealed.

SEC. 25. *Be it further enacted*, That R. B. Koen, J. D. Fort, J. G. Lockbridge, John Reid, D. M. Wisdom, S. C. Cooper, L. D. Wilkins, D. Cannon and M. Liles and their successors in office, be, and they are hereby created a body politic and corporate by the name and style of the "Ewing Literary Society in Bethel College," and by that name and style shall have perpetual succession; shall have power to confer degrees, and have, and enjoy all other rights, powers and privileges usually conferred upon literary societies in this State.

SEC. 26. *Be it further enacted*, That B. C. Bledsoe, A. C. Henry, S. G. Robinson, C. D. Edwards, J. M. Hart, James F. Farr, Thomas Flyert and Robert Gill and their successors in office, be, and they are hereby created a body politic and corporate by the name and style of the "Kallilogeon Literary Society in Bethel College;" and by that name and style, shall have perpetual succession; shall have power to confer degrees, and shall have, enjoy and exercise all other rights, powers and privileges usually conferred upon literary societies in this State.

SEC. 27. *Be it enacted*, That the town of Matamoras, in the county of Hardeman, and the inhabitants thereof, be, and they are hereby constituted a body corporate, by the name and style of the mayor and aldermen of the town of Matamoras; and by the name and style aforesaid shall have perpetual succession, and may have and use a common seal; and may by the name and style aforesaid, sue and be sued, plead and be impleaded; and shall enjoy the same immunities, rights and privileges, and be subject to the same liabilities and restrictions, so far as the same may be applicable, as were extended to and imposed upon the mayor and aldermen of the town of Bolivar, by virtue of an act passed on the 29th of November, 1847. *Provided*, however, that this act shall not take effect, nor shall an election for the first board of mayor and aldermen be held in accordance with the 4th section of the above recited act, until the constable of the civil district in which Matamoras is situated, shall be requested in writing by a majority of



the voters within the limits of said town, to hold said first election.

Sec. 28. *Be it further enacted*, That the constable of said civil district, in which the town of Matamoras is situated, shall be required, under the above restrictions, to hold all elections for mayor and aldermen for the said town.

Sec. 29. *Be it enacted*, That the bounds of the said town shall be as follows—to-wit: Beginning at the south-east corner of the town of Matamoras; running thence south four hundred yards, so as to include P. F. Robertson's house; thence west about four hundred yards so as to include Elizabeth Robertson's house; thence north one thousand yards so as to include J. H. Gorley's house; thence east four hundred yards; thence south to the beginning, so as to include Sampson Carper's house.

Sec. 30. *Be it further enacted*, That the corporate limits of the town of Camden, in the county of Benton, be extended as follows—to-wit: Beginning at the south-east corner of said corporation; running thence east twenty-three poles; thence north to a point due east of the north-east corner of said corporation; and thence west to said north-east corner.

Sec. 31. *Be it further enacted*, That so much of the lands of W. M. Cox as may be included within the corporate limits of the town of Louisville in Blount county, shall not be subject to pay corporation tax, except so much thereof as may have been, or may hereafter be laid off into town lots, in any law or usage to the contrary notwithstanding.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER CLXXXV.

AN ACT for the benefit of South Nashville.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the mayor and aldermen of both Nashville be empowered to open or widen streets,

lanes and alleys within the corporate limits of South Nashville, and have and exercise for this purpose, all the rights, and be subject to all the conditions and duties prescribed in an act granting such power to the mayor and aldermen of Nashville, passed November 14, 1827, and now possessed and exercised.

SEC. 2. *Be it enacted*, That in all elections for the union of the corporations of Nashville and South Nashville, all persons owning real estate in South Nashville, as well as the resident inhabitants, shall be entitled to vote in all of said elections; and that this act take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 10, 1854.

## CHAPTER CLXXXVI.

AN ACT for the benefit of the town of Dover in the county of Stewart.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of an act passed 1835-6, incorporating the town of Dover, in Stewart county, be so amended as to define the bounds of said corporation as follows: Beginning at a point on Cumberland river at law water mark, that a south line will include the house of J. B. Bates; continuing this course to a point that an east line will include the residence of William Cook; continuing this course to a point so that a north line will include the house of J. W. Robertson, lately occupied by H. E. King; continuing this course to Lick creek; thence down said creek to the Cumberland river; thence down said river with its meanders, to the beginning.

SEC. 2. *Be it enacted*, That said corporation shall have power to open streets that have been closed.

SEC. 3. *Be it enacted*, That section fourth of said act of incorporation, be so amended as to read as follows: That all fines, penalties and forfeitures imposed by the laws and ordinances of said corporation, if not exceeding fifty dollars, shall be recovered before the mayor or a justice of the peace elected within the limits of said

Fines and for-  
 feitures.

corporation ; and if exceeding that sum, then to be recovered by action of debt in the circuit court of Stewart county, in the name of the corporation, and for the use of the town.

SEC. 4. *Be it enacted*, That all the lands and other property within the limits of said corporation, shall be subject to corporation tax.

SEC. 5. *Be it further enacted*, That the qualified voters residing within the limits of the corporation of the town of Dover, in the county of Stewart, be, and they are hereby authorized to elect a justice of the peace for said corporation and county in the manner now prescribed by law for the election of Justices of the peace in this State.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 3, 1854.

## CHAPTER CLXXXVII.

AN ACT to incorporate a company for the purpose of building a Hotel in the town of Clarksville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thompson Anderson, D. N. Kennedy, James A. Trice, S. A. Henry, E. R. W. Thomas, R. M. House, Joshua Brown, W. H. Deane and Wm. P. Hume, or any three of them who will act, be, and they are hereby appointed commissioners to receive subscriptions for stock, to build a hotel in the town of Clarksville.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each ; but so soon as stock to the amount of fifteen thousand dollars shall have been subscribed, said commissioners shall call the stockholders together, and said company shall be organised by the election of seven directors, one of whom shall be by the directors, elected president, another secretary, another treasurer of the company. Said company, when first

organized, shall assume a name, and by that shall sue and be sued, plead and be impleaded, contract and be contracted with; may purchase and dispose of real and personal estate for the benefit of the company, and shall be constituted a body politic and corporate.

SEC. 3. *Be it enacted*, That a majority of said directors shall constitute a quorum to transact business, and shall continue in office for the space of twelve months, and until their successors shall be elected; and an election for directors shall be held annually at such places as shall be agreed upon.

SEC. 4. *Be it enacted*, That the said company and its stockholders shall have the same rights, privileges and immunities, and be subject to the same rules, regulations and provisions which were granted to and imposed upon the stockholders and company incorporated by the name of the Metropolitan Hotel company, by the legislature of Tennessee, on the 25th day of February, 1852.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 13, 1853.

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## CHAPTER CLXXXVIII.

AN ACT to extend the corporate limits of the city of Chattanooga, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the city of Chattanooga be extended as follows: Beginning at a stone in the present boundary line of the city at the north-east corner of the north-west quarter of section twenty-eight, near the graveyard; running thence south seventy degrees east, to the north-east corner of said twenth-eighth section; thence south twenty degrees west, with the section lines, to the line dividing townships two and three in the fourth range west, Ocoee district; thence north seventy degrees west, with said township line, to the Tennessee river, and the same course continued to the centre of the river; thence up

the centre thereof to the present boundary line ; and the territory included in such extended limits shall constitute a portion of the city of Chattanooga, and of the same civil district with it. *Provided*, however, that the land included outside of the present boundary of Chattanooga shall not be subject to a corporation tax while held as woodland, or for farming purposes, but may be taxed whenever laid off and sold, or occupied as town lots less than an acre.

**Sec. 2.** *Be it enacted*, That when any tax or duty shall be imposed upon any property lying within the corporate limits of Chattanooga, and not paid by the owner or occupier of the same, and there should not be any personal property of the owner or occupier of the same, within the limits of the corporation upon which the same could be levied, then it shall be the duty of the city marshal, or other officer having the collection of such taxes or dues, to certify the same to the circuit court of Hamilton county, at the term to which the sheriff or tax collector of the county is required to report lands in his county, upon which the State and county tax has not been paid ; and upon said report at said term it shall be the duty of the circuit court to enter judgment for the tax due said corporation, in the same manner that judgments are required to be entered for the nonpayment of the tax due the county and State, upon lands lying in said county, and the same shall be sold at the same time and in the same manner, and be subject to the same rules, regulations and restrictions that are by law required for the sale of lands lying within said county, on which the State and county tax is not paid ; which tax, when collected by the sheriff or county tax collector, as provided for in this section, shall be paid by him into the hands of the city treasurer, for the use of said corporation ; and which sale, when made in the manner aforesaid, shall vest the same right and title in the purchaser as if the sale had been made for taxes due the State.

Sale of lots  
for taxes.

**Sec. 3.** *Be it enacted*, That the corporate limits of the town of Jasper be extended as follows : Beginning at the north-east corner of the town ; running thence northwardly, the course of the east line of the town, so far as to include forty acres in an oblong on the north of the town, extending from east to west the whole length of the present bounds. *Provided*, however that the land included outside of the present boundary shall not be subject to a corporation tax while held as woodland, or for farming purposes, but may be taxed whenever

Extension of  
Jasper.

laid off and sold or occupied as town lots not exceeding one acre in size.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER CLXXXIX.

AN ACT to extend the corporate limits of Nashville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the city of Nashville be enlarged and extended as follows: Commencing at the middle point of intersection made by the western boundary line of said city and Line street; thence westwardly along the middle of said Line street, extended, one hundred and——feet to the intersection of a twelve foot alley; thence northwardly one hundred and——feet to a sixteen foot alley; thence eastwardly along said last named alley, one hundred and——feet, to said western boundary line of said city, thence southwardly along said western boundary line to the beginning; and all that country included within the bounds as hereby enlarged and extended, shall be added to and make a part of the city of Nashville, together with the inhabitants thereof, who shall enjoy all the rights, privileges and immunities, and shall be liable to the same restrictions and penalties as other citizens in the present corporate limits of said city.

Jamestown  
 extended.

SEC. 2. *Be it enacted*, That the corporation of the town of Jamestown, in the county of Fentress, be, and the same is hereby extended as follows—to-wit: Beginning at the north-west corner of said corporation; running thence north two hundred yards; thence east the width of said corporation, and that the south boundary be so extended as to include the residence of William Lee within said corporation.

SEC. 3. *Be it further enacted*, That the sale of town lots and portions of the public square of the town of Clinton, heretofore made by the commissioners or a ma-

jority of them, for said town of Clinton, be, and the same <sup>Town lots in Clinton.</sup>  
 are hereby ratified and confirmed; and that the survey  
 of said town of Clinton, made in the year 1835, by Sam'l  
 C. Young, under the direction of said commissioners, be  
 hereafter held as the line of the said town of Clinton,  
 and that a plat of the same be spread upon the books  
 of the register of Anderson county, for preservation and  
 reference. *Provided*, nothing herein contained, shall  
 be construed to dispossess any person or persons now in  
 possession of any portion of the public square of said  
 town of Clinton, or from enjoying the same; but such  
 person or persons shall be privileged to buy such por-  
 tions so in their possession, from said commissioners,  
 who are hereby authorized and required to sell the same  
 at a fair and reasonable price, to such person or persons  
 now in possession as aforesaid.

SEC. 4. *Be it enacted*, That the mayor and aldermen  
 of the town of Lawrenceburg shall have, and they are  
 hereby vested with full power and authority to lay off <sup>Town of Lawrenceburg.</sup>  
 and open new streets in said town, for the convenience  
 of the inhabitants thereof; and should any person be  
 damaged by the opening of said street or streets, then,  
 and in that case, the mayor shall appoint three disinter-  
 ested persons to ascertain the amount of damage any  
 person or persons may have sustained in the opening of  
 any street or streets in said town; and the persons so  
 appointed shall take into consideration the enhanced  
 value of the lot or lots over which said street or streets  
 may pass; and they shall report the amount to the cor-  
 porate authorities of said town, who shall thereupon  
 pay the amount so assessed as damages, to the person or  
 persons so damaged.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 10, 1854.

## CHAPTER CXG.

AN ACT to incorporate the town of Marlborough in the county of Carroll.

SECTION 1. *Be it enacted by the General Assembly of*  
*the State of Tennessee*, That the town of Marlborough,  
 in the county of Carroll, and the inhabitants within the

limits as laid down in the plan of said town, are hereby constituted a body politic and corporate with the style and name of the Mayor and Aldermen of the town of Marlborough, and shall have perpetual succession by their corporate name; may sue and be sued, plead and be impleaded; purchase and hold real and personal property, or dispose of the same for the benefit of said town.

SEC. 2. *Be it enacted*, That the corporation aforesaid shall have full power and authority to enact such by-laws and ordinances necessary and proper to preserve the health of the town; to prevent and remove nuisances; to establish a night watch and patrol; to restrain and prohibit gaming; to provide for licensing, taxing, restraining or prohibiting theatrical or other public amusements and shows, within the town; to pave and keep in repair the streets; to pass all laws necessary for the same; to appoint a treasurer, recorder and town constable; to impose appropriate fines and penalties and forfeitures for the breach of their by-laws or ordinances, and to pass all laws and ordinances necessary and proper to carry into effect the intent and meaning of this act. *Provided*, they are not incompatible with the constitution and laws of this State.

SEC. 3. *Be it enacted*, That all fines, penalties or forfeitures imposed by the by-laws and ordinances of said corporation, shall be sued for and recovered as other monies under the existing laws of the State, by the Mayor and aldermen of said corporation, and for the use of said town.

SEC. 4. *Be it enacted*, That the sheriff of Carroll county, by himself or deputy, shall hold an election at some suitable place in said town, to be selected by himself at the first election, which shall take place on the first Monday in January next, (1854.) and on the same day in each and every year, for the purpose of electing seven persons to serve as aldermen for said town of Marlborough for one year, to hold their offices until the election of their successors shall have taken place; and all persons owning a freehold in said town and all persons residing in said town who would be qualified to vote for members of the general assembly, shall be qualified to vote for aldermen, and no person shall be eligible to the appointment unless he be a citizen of said town.

SEC. 5. *Be it enacted*, That after the first election the mayor and aldermen of said town shall select the place within the corporation at which to hold the election of mayor and aldermen.



**Sec. 6.** *Be it further enacted,* That the town of Bloomfield, (heretofore Christmasville.) in the county of Carroll, and the citizens thereof, be, and they are hereby incorporated by the name and style of the mayor and aldermen of the town of Bloomfield, and by such name and style shall have perpetual succession; may sue and be sued, and have, enjoy and exercise all the rights, powers and privileges conferred on the mayor and aldermen of the town of Huntingdon, by an act passed January 1st, 1850, entitled "an act to incorporate the town of Huntingdon, in the county of Carroll, and for other purposes," and under the same rules, regulations and restrictions imposed by said act. Bloomfield incorporated.

**Sec. 7.** *Be it further enacted,* That the duties imposed by the second and third sections of said act upon the sheriff, shall be performed by the constable of the civil district in which said town is situated; and *be it further enacted,* that all the powers and privileges conferred, and all the duties and liabilities imposed upon the several officers of said corporation of the town of Huntingdon by said act, be, and the same are hereby conferred and imposed upon the officers of said corporation of the town of Bloomfield, severally.

WM. H. WISENER,  
*Speaker of the House of Representatives,*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER CXCL.

**AN ACT** to incorporate the town of Dukedom, in the county of Weakley, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Dukedom, in Weakley county, and the inhabitants thereof, be, and they are hereby declared to be a body politic, with succession for thirty years as such; and that said corporation be authorized to sue and be sued, plead and be impleaded, by the name of the Mayor and Aldermen of the town of Dukedom; and they, by that name, be authorized and empowered to receive property, real, personal or mixed, by deed, gift or otherwise, and that they

fuse to pay the same within the year for which said tax or duty was levied or imposed, it shall be the duty of the recorder, when such refusal or failure may occur, upon the fact being reported to him by the constable of said corporation, that the owner or owners have no personal property upon which he can distrain, to report said real estate to the circuit court of the county of Robertson, at the first or second term of the year next succeeding; and it shall be the duty of said court, when such report shall be made, to enter up judgment against said real estate, for the taxes or duties remaining unpaid thereon; and said real estate shall be sold by the sheriff of said county of Robertson, at the same time and place, and in the same manner, and under the same conditions as if the taxes had been and were due the State and county, and which shall vest the title in the purchaser as in other tax sales; and the sheriff shall pay over to the treasurer of said corporation, any taxes so by him received for said corporation; and upon his failure, shall be liable, on motion, for the amount due, and cost, as in other cases.

Duty of jailor.

SEC. 15. *Be it enacted*, That said corporation may build, for its own use, a lock-up house, in which to deposit riotous or disorderly persons, who may be apprehended during the night time, for safekeeping until otherwise disposed of; and it shall be the duty of the jailor of Robertson county, to receive and keep in jail, all riotous and disorderly persons committed to his charge in the night time, by the town constable of said corporation, for which he shall receive the same fees as in other cases of imprisonment.

Elections and term of office.

SEC. 16. *Be it enacted*, That on failure of the sheriff of Robertson county, or his deputy, to advertise and hold the election of aldermen at the time specified in the 10th section of this act, it may and shall be lawful for said sheriff or deputy, to hold the same at any time, on giving the notice as required by said section. *Provided*, that said aldermen, so elected, shall hold their offices for two years from the time said regular election should have been held, and until their successors are elected and qualified as provided for in said tenth section of this act; and that the mayor, recorder, treasurer and constable elected by said aldermen so elected as stated in this section, shall hold their offices for two years from the time of said regular election, and under the provisions of this act.

SEC. 17. *Be it enacted*, That the mayor and aldermen

of said corporation have the right and privilege of blending the offices of recorder and treasurer, and devolving the duties of the two offices on one individual.

SEC. 18. *Be it enacted*, That if the inhabitants of the town of Springfield desire to extend the boundaries of said town, and the corporate limits of said town, that the same may be done by the mayor and aldermen of said town, provided that two-thirds of the voters included in the new extension vote in favor of such extension; that the mayor and aldermen shall appoint some suitable person to open and hold an election in some convenient place in said new extension, first giving ten days' notice to the voters of said new extension, to vote for or against said new extension; which said person, so holding the election, shall appoint three judges and two clerks of the voters of said new extension, who shall judge and clerk at said election; and said person, so holding the election, shall certify to the mayor and aldermen the correct poll of said election; and if it should be found by the mayor and aldermen, that two-thirds of the votes so polled, shall be in favor of said new extension, said new extension shall be declared a part of said corporation.

Extension of  
boundaries.

SEC. 19. *Be it enacted*, That the bonds of the recorder, treasurer and constable, described in the 11th section of this act, shall be made payable to the mayor and aldermen of the town of Springfield, and their successors in office.

SEC. 20. *Be it enacted*, That the mayor and aldermen, recorder, treasurer and constable of the town of Springfield, shall be allowed such fees for their services as mayor, aldermen, recorder, treasurer and constable, as mayor and aldermen may, from time to time, allow.

Fees.

SEC. 21. *Be it enacted*, That the mayor and aldermen may make such rules and regulations, and pass such by-laws and ordinances as may be deemed necessary and proper to protect, preserve and perpetuate the public burying ground, or graveyard within the corporation of said town of Springfield; that they shall appoint a sexton for the same, and describe and define his duties, and the remuneration which he shall receive for his services; he shall hold his office for two years, and until his successor is appointed, but be liable, however, to be removed by the mayor and aldermen at any time, for any misconduct in office.

Burying  
ground.

SEC. 22. *Be it enacted*, That said mayor and aldermen shall have power to levy a tax, not exceeding the State and county tax, upon all property, privileges, polls, &c., School tax.

**Vacancies.** shall occur in any of the offices mentioned in this act, the same shall be filled as provided for in the ninth section of this act; which said election for the purpose of filling any vacancy as aforesaid, shall be only to fill such unexpired term of the officer having died, removed or resigned.

**Boundaries.** SEC. 11. *Be it further enacted,* That the boundaries of said corporation shall be as follows: Beginning at the grave yard west of Dukedom, and running with the State line road east six hundred yards; thence south four hundred yards to a stake; thence west six hundred yards to a stake; thence north four hundred yards to the beginning.

SEC. 12. *Be it further enacted,* That the corporation aforesaid, shall have authority to enact such laws and ordinances as may be proper and necessary to establish night watches and patrols; to ascertain when necessary the boundaries and location of lots, streets and alleys, with the consent of the proprietors of the lots and houses adjoining such streets, lands and alleys; to provide for licensing and regulating auctions; to restrain and prohibit gaming; to provide for licensing and taxing, regulating or restraining theatrical or other public amusements or shows within the limits of said corporation; to repair, and keep in repair, the streets; to pass all necessary laws for the establishment of inspection within the said town; to erect and regulate markets; to provide for the establishment and regulation of a fire company or companies, and the sweeping of chimneys; to procure water by the digging of wells or otherwise; to erect and regulate pumps for the use of said town; to impose and appropriate fines, penalties and forfeitures for a breach of the by-laws and ordinances; to lay and collect taxes for the purpose of carrying all necessary measures into operation for the benefit and advancement of the best interests of said town; to pass all laws and ordinances for the comfort, cleanliness, good order and good government of said town, which may be necessary for the purpose of carrying into effect the provisions, intent and meaning of this act; *Provided,* the same are not inconsistent with the constitution and laws of this State.

**Caledonia incorporated.** SEC. 13. *Be it further enacted,* That the town of Caledonia, in the county of Henry, is hereby incorporated, with all the powers and privileges in this act granted to the town of Dukedom, with such corporate limits to said town as may be prescribed by the first board of mayor and aldermen who shall be elected under this

charter ; and the citizens of said town of Caledonia, are hereby authorized to hold an election for officers under this charter, at any time a majority may vote for such officers.

\* WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CXCI.

**AN ACT** to incorporate the town of Wetmore and to encourage Manufactures, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That William S. Wetmore, of New Port, Rhode Island, (after whom the town or city hereafter mentioned shall be named,) Samuel Lawrence of Boston, David S. Brown and Robert F. Welch, of Philadelphia, Warren Delana and John Cryder, of the city of New York, Aaron V. Brown, John M. Bass, V. K. Stevenson, N. E. Alloway, John M. Lea, Thomas H. Calloway, A. D. Keys, Moses W. Wetmore, and their associates, be, and they are hereby constituted a body politic and corporate, under the style and name of the "Hiwassee Manufacturing Company," to continue in existence to them and their successors for the period of ninety-nine years.

**Sec. 2.** *Be it enacted,* That said corporation shall have power to make and use a common seal, and to alter and change the same at pleasure, and to make such by-laws not inconsistent with the laws of this State, and of the United States, as may seem necessary and proper ; also in its corporate name, to sue and be sued, plead and be impleaded ; also to purchase and convey real or personal estate for the use and purposes hereinafter declared, not to exceed in such purchases the maximum amount of the capital stock hereafter mentioned.

**Sec. 3.** *Be it enacted,* That the capital stock of said Capital stock. company shall consist of three hundred thousand dollars, to be divided into three thousand shares of one hundred dollars each, which may be increased to any

greater amount not exceeding one million of dollars. The shares comprising said stock shall be considered personal property, and shall be transferrable only on the books of the company in proper person or by attorney. The manner of taking stock, and when the same is to be paid, to be prescribed by the above named persons, who shall act in all things touching this charter, until a board of directors and such officers as they shall think proper to appoint, shall be duly appointed and enter upon the duties assigned to them; and said directors shall be annually elected; but in case of a failure to elect, shall not work a forfeiture of this charter, but the old board shall continue to act until such election may be had. All officers and agents of said company to be removeable at any time by the order of the directors, or a majority of them only entered of record.

City of Wet-  
more.

Sec. 4. *Be it enacted*, That said company may buy or purchase any land or lands lying in East Tennessee, suitable for laying off and establishing a large manufacturing city, to be called the city of Wetmore, with suitable water power and privileges, and lay the same off into lots and streets in the best manner practicable, and advertise the same for sale for cash or credit, as they may think proper, reserving suitable lots for public grounds, and leaving the streets wide and commodious for planting the same with suitable shade trees. The said lots may also be sold at private sale, if the said corporation shall so order.

May erect a  
dam.

Sec. 5. *Be it enacted*, That said company shall be authorized to build any dam or dams across any river on which they may select said town site, suitable for manufacturing purposes, provided the same be erected above navigation; and such water power may be either sold or leased as they may think proper.

Damages.

Sec. 6. *Be it enacted*, That if, in building said dam or dams, the land or lands of any individual above shall be effected by overflow, the sheriff of the county shall summon a jury of twelve good lawful men, to assess the damages resulting therefrom; and the finding of said jury shall be, by said sheriff, returned to the clerk of the county court, who shall file the same in his office; and when the amount so found is paid by said company, and endorsed on said finding by the jury, the same shall be in bar of any further recovery on account of said overflow.

Sec. 7. *Be it enacted*, That said company shall have power to cut all needful races through any land or lands of the State or individuals, subject to the same proceed-

ings, as to damages, as are specified in the preceding section.

SEC. 8. *Be it enacted*, That said company shall have full authority to erect all and every description of building for manufacturing purposes, with all necessary appendages thereto, and to carry on and conduct such manufactories in such manner as said company may think proper; or they may lease out their lands and lots and their water privileges, and do all other acts and things necessary to establish said manufacturing town on a firm basis, and to conduct every description of manufactures to the best advantage. General privileges.

SEC. 9. *Be it enacted*, That until any of said lots shall have been sold to individuals, the same shall be subject to taxation, State and county, as land, and not as town lots. Taxes.

SEC. 10. *Be it enacted*, That the said corporation shall have the full right to regulate the police of said town, to supply it with water, to keep its streets in repair, and exercise all the franchises and powers granted to the mayor and aldermen of any other incorporated town of this State, until, by deed duly recorded in the register's office of the county in which said town shall be situated, they shall relinquish this right to the inhabitants of said town of Wetmore; and thereupon the said town of Wetmore shall be, and is hereby incorporated with the same rights, powers and privileges, and subject to the same liabilities as any other of the towns and cities of this State. Police.

SEC. 11. *Be it enacted*, That said company shall have full power and authority to construct a turnpike, plank road or railroad, leading from said city of Wetmore, and connecting with any other road of like description chartered by this State, or which may hereafter be chartered, with all the rights and privileges secured by law to the road with which it may connect. May construct a turnpike.

SEC. 12. *Be it further enacted*, That the citizens residing within the following boundary in the county of Bedford, be, and the same are hereby incorporated in a body politic, under the name and style of the mayor and aldermen of the town of North Shelbyville: beginning at the forks of the Columbia and Worner's ford roads; running thence north one mile to a stake; [thence east one mile to a stake;] thence south one mile to a stake, near a cedar stump; thence west one mile to the beginning; and shall have all of the rights, privileges and powers conferred upon the mayor and aldermen of the town of Sommerville, Fayette county, by an act of Town of North Shelbyville.

incorporation passed at the present session of the legislature, except so far as it is otherwise ordered by this act.

**Powers.** SEC. 13. *Be it enacted,* That the citizens of said town shall have the right to elect five aldermen to manage the affairs of said town, a majority of whom shall constitute a quorum for the transaction of business. The election of said aldermen shall take place on the first Saturday in January of each and every year. They shall hold their offices until their successors are elected and qualified.

**Fosterville incorporated.** SEC. 14. *Be it further enacted,* That the town of Fosterville, in Rutherford county, and the citizens thereof, are hereby incorporated by the name and style of the mayor and aldermen of the town of Fosterville, and may have and use a common seal; and may, by the name and title aforesaid, sue and be sued, plead and be impleaded, may have, receive, purchase and hold property, whether real or personal, and may grant, sell or dispose of the same for the use of said town.

**Election.** SEC. 15. *Be it enacted,* That the sheriff of Rutherford county, shall by himself or his deputy, hold an election at the depot of the Nashville and Chattanooga railroad in said town, on the first Saturday in April next, and on the first Saturday in February ever after, to elect seven citizens of said town to serve as aldermen of said corporation. The first board shall serve till their successors are elected, and each subsequent board for one year. Any person living within the limits of said corporation three months next preceding any election, and who may be entitled to vote for members of the General Assembly, shall be entitled to hold any office, and to vote in any election in the corporation. If the sheriff should fail to hold the election at the time prescribed by this act, the corporation shall not for that cause be dissolved; but the sheriff may, at any time thereafter, hold said election, first giving ten days notice thereof.

**Boundaries.** SEC. 16. *Be it enacted,* That the boundaries of the corporation of Fosterville, shall be as follows: Beginning in the middle of the Nashville and Chattanooga railroad, four hundred yards south of the depot; thence four hundred yards east to a stake; thence eight hundred yards north to a stake; thence eight hundred yards west to a stake; thence eight hundred yards south to a stake; and thence four hundred yards to the beginning.

**Powers.** SEC. 17. *Be it enacted,* That the corporation shall be entitled to all the rights, privileges and immunities, and be subject to all the rules, regulations and restrictions



of the town of Sommerville, as declared by an act of the present General Assembly, so far as the same is consistent with the purpose of this charter.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CXCHII.

AN ACT to amend the corporation of the town of Shelbyville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Shelbyville, in Bedford county shall be divided into six wards as nearly equal in size and population as practicable, and William Galbrath, George Davidson, Thomas Holland, sr., Wm. Ward, Robert Cannon be appointed commissioners to lay off said town into the number of wards aforesaid, a majority of whom may act; and before entering on the discharge of their duties they shall each take an oath before some justice of the peace for Bedford county, faithfully and impartially to perform the duties required of them by this act; and they shall be paid by the corporation of said town of Shelbyville one dollar and fifty cents each, for each day they shall be necessarily engaged in the duties required of them by this act. Commissioners

SEC. 2. *Be it further enacted*, That said commissioners shall proceed at as early a day as practicable, to perform their duties, and they shall make a report under their hands and seals to the existing board of mayor and aldermen, on or before the first day of July next, which shall be, by the recorder, spread upon the records of said corporation.

SEC. 3. *Be it further enacted*, That the mayor of said town, and recorder and constable thereof, shall be elected by the qualified voters in said corporation, at an election to be held in the different wards of said town on the last Saturday in October in each year. Mayor, Recorder and Constable.

SEC. 4. *Be it further enacted*, That at the same time, Elections. there shall be an election in each ward for one alderman, to reside therein. The elections provided for in this act shall be held by the sheriff of Bedford county and

such deputies as he may appoint; and he shall give notice in writing, at the court-house in said town, for ten days, of the time and places of said elections, and shall give to each person elected a certificate thereof, within five days after the election, which certificate shall be spread upon the records of said corporation.

**Qualifications of officers and voters.** SEC. 5. *Be it further enacted*, That no person shall be mayor or alderman of said town who does not possess the qualifications required by the original act incorporating said town; and that all persons shall be entitled to vote for mayor and alderman and recorder and constable, under this act, who are qualified voters for alderman under said original act. *Provided*, no person shall be entitled to vote in more than one ward, and that in which he resides, or may possess the qualifications required by said act; and if he possess such qualification in more than one ward he may elect in which he will vote.

**Powers of board.** SEC. 6. *Be it further enacted*, That the mayor and six aldermen thus elected, shall compose the board of mayor and aldermen of the town of Shelbyville, and shall have all the powers and privileges, and be subject to all the liabilities and exemptions of the mayor and aldermen of said town, by existing laws.

SEC. 7. *Be it further enacted*, that said commissioners shall designate a place in each ward where said election shall be held, and put the same in their report; but the mayor and aldermen may, in their discretion, change said places whenever it is deemed necessary and proper, to some other place in the same ward.

SEC. 8. *Be it further enacted*, That said elections shall be held by at least one clerk and two judges, summoned by the sheriff or his deputy, and the polls shall be opened by 2 o'clock, P. M., and shall not be closed before 4 o'clock, the same evening; and they shall take the oaths prescribed for clerks and judges of elections for governor, members of Congress and members of the legislature, so far as the same is applicable, and shall have the same powers, be subject to the same duties, as far as applicable.

**Tie vote.** SEC. 9. *Be it further enacted*, That persons having the highest number of votes for any of said offices, shall be elected. *Provided*, that if two or more persons shall have the highest and equal number of votes, that the sheriff shall hold another election for said office, first giving the notice required by the fourth section of this act.

SEC. 10. *Be it further enacted*, That contested elec-

tions for the different offices under this act shall be de- <sup>Contested</sup>  
 cided in such manner as the mayor and aldermen may <sup>elections.</sup>  
 prescribe.

Sec. 11. *Be it further enacted*, That the mayor and aldermen, and other officers elected under the provisions of this act, shall meet and qualify on the second Saturday of November, 1854, and forever thereafter on the second Saturday of November in each and every year. <sup>Annual meeting.</sup>

Sec. 12. *Be it further enacted*, That the recorder of said corporation shall be the treasurer and collector of taxes on privileges, and the constable shall be collector of all other taxes; and the board of mayor and aldermen shall take bond and security from each of them, for the faithful performance of their respective duties, in such sum as said mayor and aldermen shall deem right; not less, however, than one thousand dollars, and in taking said bond the obligors must all be present at the time of its reception by the board, and acknowledge the same. <sup>Bond of officers.</sup>

Sec. 13. *Be it further enacted*, That in laying taxes on privileges, the mayor and aldermen of the town of Shelbyville shall lay them according to the principles of the State laws in regard to the taxation of privileges, from and after the passage of this act, and shall so far as practicable levy a tax on all objects of State taxation in the corporate limits of said town, or are exercised within the same. <sup>Taxes and taxables.</sup>

Sec. 14. *Be it further enacted*, That the southern boundary of said town shall be the northern boundary of the lands of Clinnet Cannon and S. S. Moody, now occupied by him.

Sec. 15. *Be it further enacted*, That the tax list of the property within said corporation, made out under the authority of the mayor and aldermen in pursuance of the laws and ordinances of said corporation, shall have the same force and effect in the hands of the constable of said corporation as the tax list has in the hands of a sheriff or collector, and all laws on the subject of collecting the State and county tax and enforcing their collection, shall, so far as applicable, apply to the collection of the taxes of said corporation. <sup>Tax list.</sup>

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 9, 1854.

## CHAPTER CXCIV.

AN ACT to authorize Sumner county to issue bonds in payment of her subscription to the Louisville and Nashville Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That *whereas*, the county of Sumner, under the provisions of "an act to authorize and regulate county subscriptions for railroad stock," passed by the general assembly of the State of Tennessee on the 22d January, 1852, did on the — day of —, 1852, vote a subscription of three hundred thousand dollars to the capital stock of the Louisville and Nashville Railroad Company, which subscription was accepted by the president and directors of said company, and made by the chairman of the county court as provided by said act; that the chairman of the county court be, and he is hereby directed and required to issue the bonds of the county in payment of said subscriptions; *provided*, the president and directors of said Louisville and Nashville Railroad Company will agree to accept the same in payment therefor, upon the following terms and conditions: That the sheriff of Sumner county shall cause the proposition, whether the subscription of said county of three hundred thousand dollars to the capital stock of the Louisville and Nashville Railroad Company, as voted by the people of said county, shall be paid by a direct tax, according to the terms of the proclamation of the sheriff authorizing such vote, and the provisions of the act of the 22d January, 1852, under which such vote was taken, or by the issuance of the bonds of the county, to be received in payment of said stock, to be submitted to the legal voters of said county for their determination.

SEC. 2. *Be it enacted*, That the sheriff shall, as soon as practicable after the passage of this act, give thirty days' notice at the court-house door, and in each civil district of said county, of the time and places of such election; and shall, at that time, open and hold the same at the usual places of voting in said county for members of the general assembly, to ascertain the sense of the people on this proposition. The county or quorum court of said county shall appoint the judges for said election, and in case of failure, the sheriff or his deputies shall make such appointment.

SEC. 3. *Be it enacted*, That those in favor of paying the subscription heretofore made by the issuance of

county bonds, shall write upon their tickets the words, "Bonds;" those opposed thereto, the words, "No Bonds;" and if it shall appear upon the returns being made as in other elections, and from the certificate of the sheriff, duplicates of which shall be made out, one of which shall be deposited with the clerk of the county court, and the other with the chairman thereof, that a majority of those voting in said election have voted in favor of bonds, then the chairman of the county court is hereby directed and required to issue and deliver to the president of the Louisville and Nashville Railroad Company, the bonds of the county, with coupons attached, in payment of said stock; which bonds shall be made payable to said railroad company at the city of New York, or such other place in the United States, as the president of said company shall direct; shall bear interest at six per cent per annum, payable semi-annually, and shall fall due in not less than ten nor more than thirty years from date. The same shall be signed by the chairman of said court, and countersigned by the clerk thereof, and the coupons shall be signed by the clerk. *Provided*, that not more than one hundred thousand dollars of said bonds shall be issued within the first year after said election; and the remaining two hundred thousand dollars of bonds at such times thereafter, and in such amounts, as the president and directors of said company may require. And, *provided, further*, that the president and directors of said company shall expend at least the amount of said bonds in work upon said railroad within the limits of said county, including such work as shall be executed upon said road previous to the issuance of said bonds. *Provided, further*, that nothing herein contained, shall invalidate or destroy the subscription already made by said county; but in the event a majority of those voting in the election herein authorized, shall be opposed to the issuance of the bonds of the county, then the payment of said subscription shall be made as provided by the act of 22d January, 1852, under which subscription was made; and such subscription is hereby declared, in all particulars, valid and binding upon said county, and the county court shall comply with the requirements of said act.

**SEC. 4.** *Be it enacted*, That upon the issuance and delivery of the bonds as provided for in this act, to the president and directors of said railroad company, the president shall give and deliver to the chairman of said court, certificates of stock to the amount of bonds so de-

Certificates of  
stock.

livered, which certificates of stock shall be filed with the clerk of the county court, and by him recorded.

**Tax for in-**  
**terest.** SEC. 5. *Be it enacted*, That it shall be the duty of the county court of said county, so soon as any of said bonds shall be issued under the provisions of this act, to provide for the payment of the accruing interest by levying a tax upon the taxable property, privileges and persons, by law liable to taxation, which tax shall be levied and paid upon the principle of levying the State and county tax ; which tax, so levied, shall be sufficient in amount, to raise a sum equal to the accruing interest on said bonds so issued, and also sufficient to raise a sum to meet the expenses of collecting and disbursing the said tax.

**Collector to**  
**give bond.** SEC. 6. *Be it enacted*, That the county or quorum court of Samner county may appoint the revenue collector of the county taxes, or such other person as they may elect, the collector of the railroad tax, who shall give bond and security in such an amount as they may require, payable to the State of Tennessee, conditioned that he will discharge his duty and faithfully account for and pay over said taxes, as they may be collected, and deposit the same in some one of the specie paying banks of the city of Nashville, to the credit of the trustee of said county, which may be withdrawn by his check.

**Trustee's duty** SEC. 7. *Be it further enacted*, That it shall be the duty of the county trustee to apply the said fund, so collected, to the payment of the accruing interest of said bonds, as the interest shall fall due ; *provided*, however, if the said trustee shall make a satisfactory arrangement with the president and directors of said company to pay the accruing interest on said bonds, he shall be authorized to pay over said funds so collected or deposited, to the said company, who shall apply the same to the payment of said interest.

SEC. 8. *Be it enacted*, That the revenue collector, or such other person elected to collect said railroad tax, shall have the same powers, and be subject to the same duties and liabilities in the collection of said tax, as by the existing laws, the sheriff or revenue collectors have, or are liable and subjected to in the collection of other county revenue ; and he and his securities shall be proceeded against in like manner.

SEC. 9. *Be it further enacted*, That the collector of the railroad tax shall collect and deposit as aforesaid, an amount sufficient to meet the semi-annual interest on

said bonds prior to the time the same shall fall due ; but in making his collections, the property now exempt by law from execution, shall, in no case, be levied upon and sold to satisfy railroad tax.

SEC. 10. *Be it enacted*, That the clerk of the county court of Sumner county, so soon as the county court shall prescribe the amount of tax so to be paid, and directed to be levied, shall make out and furnish to the collector of the railroad tax, a list showing the amount of tax that each individual shall pay, which shall be made out in conformity to the last valuation of taxable property and privileges paying taxes, and in like proportions.

Clerk to make  
out tax list.

SEC. 11. *Be it further enacted*, That as the railroad collector shall receive the tax as provided for in this act, he shall give the person paying the same, a certificate showing the amount ; which certificate shall be countersigned by the clerk of the county court, upon the presentation of the same to him for that purpose ; and after the same shall be so countersigned, it may be traded, assigned, or transferred, conferring upon the assignee all the rights of the original owner.

Certificates  
transferable.

SEC. 12. *Be it enacted*, That the dividends arising from the stock subscribed as aforesaid in the said Louisville and Nashville Railroad Company, shall be paid over to the trustee of the county of Sumner, by him to be applied to the payment of the interest on the bonds of the county, issued as aforesaid to said company, and he shall deposit with the clerk of the county court the coupons of said bonds so payed, and the trustee of the county shall execute to the company a receipt for the dividends so paid.

Stock divi-  
dends.

SEC. 13. *Be it enacted*, That so soon as the dividends arising from said stock, shall be sufficient to meet the annual interest on the bonds of the [county,] company, then the tax hereinbefore provided for shall be suspended, to be again levied and collected as before directed, whenever necessary to meet the accruing interest on the bonds.

SEC. 14. *Be it enacted*, That the said Louisville and Nashville Railroad Company shall, upon the date of the first dividend, and thereafter upon presentation and surrender at the office of the company, of tax receipts for taxes paid, to defray the interest upon any of said bonds given by said county, under this act, issue to the holders thereof stock for the same ; said tax may be transferred by endorsement. *Provided*, no stock shall be issued for a less amount than is authorized by law.

**SEC. 15.** *Be it enacted,* That whenever the dividends on said stock shall meet and discharge the interest on said bonds, any surplus that there may be from year to year, after the payment of the interest on said bonds, shall be drawn from said company on the check of the trustee of said county, who shall, from time to time, vest the same in said county bonds, or State bonds, or other safe securities, which shall be held as a sinking fund, and applied to the redemption of the bonds issued by said county to said Louisville and Nashville Railroad Company; and the trustee shall, from time to time, re-invest the interest in said bonds, and other like securities, which shall be a part of the sinking fund aforesaid.

**SEC. 16.** *Be it further enacted,* That in the event the sinking fund herein provided for shall be insufficient to pay off such bonds, as they shall fall due, then it shall be the duty of the county court to levy a tax for their ultimate redemption, or take such other suitable steps as may be necessary and proper to pay off and discharge said bonds; which tax shall be levied and collected as provided for in this act; and the said county court shall cause the same to be paid over to the bondholders; and the stock, as the same shall be paid by the tax payers, shall be transferred to them upon the delivery of their tax receipts, and they or their assigns shall be entitled to stock in said road in proportion to the amounts paid by each. Said tax receipts shall be transferred by endorsement, and no stock shall be transferred for a less amount than is authorized by the charter of said Louisville and Nashville Railroad Company.

**SEC. 17.** *Be it enacted,* That the circuit courts of this State shall have power to issue a writ or writs of mandamus to compel said county court to carry into effect the provisions of this act, so far as is incumbent on said county courts so to do.

**SEC. 18.** *Be it enacted,* That the county court shall fix the fees of the collector of the railroad tax, and shall allow the clerk of the county court such fees as are allowed them for making out lists of the State and county taxes, and such compensation to the county trustee as they may think proper for the services required in this act.

**SEC. 19.** *Be it enacted,* That the chairman of the county court of Sumner, or his proxy, shall represent the said stock in said company in all elections and general and called meetings of the stockholders.

**SEC. 20.** *Be it enacted,* That this act shall take effect from and after its passage.



SEC. 21. *Be it further enacted*, That the Louisville and Nashville Railroad Company may, the better to enable them to dispose of the bonds of Sumner county, authorized to be issued under this act, endorse on said bonds, "convertible into stock in said company, at any period within seven years after the date of their issue, at the election of the bondholders." *Provided*, that no stock shall be transferred at less than par value; and said bonds shall be received in payment at their nominal value; and on all such transfers being made, the bonds shall be cancelled and returned to the clerk of the county court of Sumner county, State of Tennessee. All transfers made [under this section shall be made] by the aforesaid trustee of the county of Sumner. Bonds, how endorsed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 20, 1853.

## CHAPTER CXCIV.

AN ACT to amend the charter of the city of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all that district of country contained within the following limits, to-wit: Beginning at a point in the middle of the Mississippi river, due west of the point where Bayo Gayoso strikes Wolf river; thence due east to that point on Wolf river; thence with the northern bank of the Bayo Gayoso to the point where Auction street extended crosses the same; thence with the Raleigh road to the avenue east of the Town Reserve; thence south with the east line of said avenue, until the same strikes the east line of the South Memphis tract of land; thence with the east line of said tract to its south-east corner; thence west with the south line of the South Memphis tract, to the east line of the Butler tract; thence to its south-east corner; thence west with the south line of said tract, to the centre of the Mississippi river; thence with the meanders of said river to the beginning point, (the Navy Yard

included) is hereby united and enacted into one city, by the name of the city of Memphis.

SEC. 2. The inhabitants of the city of Memphis, as above laid out and extended, are hereby constituted a corporation and a body politic by the name and style of the Mayor and Aldermen of the city of Memphis, and by that name they shall have perpetual succession; may sue and be sued in all courts of law and equity; may purchase, receive and hold property, real, personal, or mixed, within the city, for all needful purposes of the city, and may lease, sell, or dispose of the same for the use and benefit of the city; and may purchase, receive, or hold property, real, personal, or mixed, [within] or beyond the limits of the city, to be used for the burial of the dead, for the erection of water works to supply the city with water, to procure gravel, sand, or other material to improve the streets, alleys, or avenues of the city, and for other purposes; for the establishment of work houses, poor houses, houses of correction, magazines, hospitals and infirmaries; and may sell, lease or dispose of such property for the use and benefit of the city, and may do and perform all other acts as natural persons. They shall have and use a common seal, and may break, alter and change their seal at pleasure.

SEC. 3. The city of Memphis shall have six wards, the boundaries of which shall be fixed by the board of aldermen, and may be changed from time to time as the  
 Wards. aldermen see fit; always having regard to the number of free white inhabitants, so that each ward may have, as near as may be, the same number of free white inhabitants; the wards, at present established, to remain till altered by the board of aldermen; and when wards are laid off, it shall be done by lines corresponding with the streets and alleys, and shall run east and west.

## ARTICLE II.

### OF THE BOARD OF ALDERMEN.

SEC. 1. There shall be a board of aldermen of the city of Memphis, to be composed of two aldermen from each ward, to be chosen by the qualified voters of the respective wards for one year.

SEC. 2. No person shall be an alderman unless he be a citizen of the United States and of the State of Tennessee, and shall have been a *bona fide* resident of the city two years, and of the ward for which he is elected six months, next preceding his election, and any alder-

man removing from his ward during the term of his office shall vacate his seat.

**SEC. 3.** The aldermen elect shall judge of their own qualifications and those of the mayor, and no alderman shall hold any office of profit within the gift of the corporation during the period for which he was elected, nor shall he, during that period, be interested in any contract for work or improvement to which the corporation is a party; and any alderman so offending shall forfeit all the rights, privileges and emoluments of office, and be forever after ineligible to office under the corporation.

**SEC. 4.** The board of aldermen shall elect one of their number to be President of the board.

**SEC. 5.** A majority of the board shall be required to transact business; but any number, not less than three, may assemble at their regular place of meeting, and adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as the board may prescribe.

**SEC. 6.** The board may determine the rules of its proceedings, punish its members for absence or disorderly behavior, and, with the concurrence of two-thirds of the members elect, may expel a member.

**SEC. 7.** All vacancies that shall occur in the board of aldermen, shall be filled in such manner as shall be provided by ordinance.

**SEC. 8.** Each alderman shall, before entering upon the discharge of his duties, take an oath that he will support the Constitution of the United States and the State of Tennessee, and that he will faithfully demean himself in office.

**SEC. 9.** When there shall be a tie in the election of aldermen, the judges of the election shall certify the same to the mayor, for the time being, who shall, immediately thereupon, issue his proclamation, stating such fact, and order a new election; *Provided*, that the tie is not between the two highest on the list voted for.

**SEC. 10.** The aldermen may receive a compensation for their services, not exceeding one hundred dollars each per annum, to be regulated by ordinance; from which amount the sum of five dollars shall be deducted from the salary of each alderman, for every time he shall be absent from any regular or called meeting of the board; *Provided*, no board of aldermen shall establish or raise the salary for the year for which they were elected.

## ARTICLE III.

## EXECUTIVE AND MINISTERIAL OFFICERS.

SEC. 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for the term of one year, and until his successor is duly elected and qualified.

SEC. 2. No person shall be elected or qualified as mayor who is not at the time of his election a citizen of the United States and of the State of Tennessee; not unless he shall have been a *bona fide* resident of the city for three years, next preceding his election; and if the mayor remove from the city during the term for which he was elected, he shall thereby vacate his office.

SEC. 3. The mayor shall not, during his continuance in office as such, hold any office under the Government of the United States or the State of Tennessee.

SEC. 4. In case of a contested election for mayor, the aldermen shall determine the same; and whenever it is determined that two or more persons have the same number of votes for mayor, the President of the board of aldermen shall immediately issue his proclamation, stating such fact, and order a new election; *Provided*, that the candidates having the same number of votes are those who have received the highest on the list voted for.

SEC. 5. Whenever a vacancy shall happen in the office of mayor, by death, resignation, moving out of the corporation or otherwise, six months previous to the expiration of the term for which he was elected, the President of the board shall act as mayor, until another shall be elected by the qualified voters of the city. If the vacancy shall occur within six months or less of the expiration of the term for which he shall be elected, then the board of aldermen shall immediately assemble and elect a mayor, till the next regular election.

SEC. 6. It shall be the duty of the President of the board, upon the happening of a vacancy, as in the first clause of the 5th section of this article mentioned, immediately to issue his proclamation for the election of a mayor to fill the vacancy, which election shall be held as soon as practicable.

SEC. 7. The mayor may be removed from office for misdemeanor in office, by the board of aldermen, but in no instance shall he be removed unless by a majority of two-thirds of the aldermen elect.

**SEC. 8.** The mayor shall have power to nominate, and by and with the advice and consent of the board of aldermen, to appoint all city officers not ordered by this charter to be otherwise appointed. He shall take care that all the laws of the city, and all ordinances passed, be faithfully and diligently executed and enforced. He shall, from time to time, give the aldermen information relative to the state of the city, and shall recommend to their consideration, such measures as he shall deem expedient for the advantage of the city. He may call special sessions of the board of aldermen, by proclamation or otherwise; and when so called, he shall state to them the objects for which they have been convened. He shall once at least in every three months, lay before the board of aldermen, a statement of the financial condition of the city, which statement shall be published in one or more of the public newspapers of the city.

**SEC. 9.** Every law or ordinance passed by the board of aldermen, shall, before it goes into effect, receive the approval and signature of the mayor; if he disapprove any law or ordinance passed by the board of aldermen, he shall return the same with his objections in writing, to the next meeting of the board of aldermen; and no law or ordinance vetoed by the mayor shall go into effect unless the same shall again be passed by two-thirds of the aldermen elected.

**SEC. 10.** The mayor shall receive a compensation for his services, to be fixed by ordinance, and shall, before he enters upon the discharge of his duties, take an oath or affirmation that he will support the constitution of the United States and the State of Tennessee, and faithfully demean himself in office.

**SEC. 11.** There shall be a city register, whose duty it shall be to keep all the records of the city, take down and put upon record in a book to be kept for that purpose in the mayor's office, where he shall keep his office, all the official proceedings of the board of mayor and aldermen. He shall keep the seal of the city, and shall, upon the occasions and times necessary, fix the same to any papers requiring the seal of the city. He shall attest the signature of the mayor to all bonds and other papers requiring the signature of the mayor, and shall perform such other duties as may be prescribed by ordinance.

**SEC. 12.** There shall be a city recorder, wharf-master, city marshal, one or more city tax collectors, (as the board of mayor and aldermen shall from time to time determine,) a captain of the day police, and a captain of the

night police, who shall be elected by the voters of the city, at the time of the regular elections of the board of mayor and aldermen, and shall hold their offices for one year, and until their successors are elected and qualified.

SEC. 13. The tax collectors, city marshal, wharf-master, recorder, and the captains of the day and night police, may at any time be removed from office by a two-thirds vote of the aldermen elected.

SEC. 14. In case of a vacancy by death, removal, resignation, or otherwise, in the office of tax collector, city marshal, wharf-master, recorder, the captain of the day police, or the captain of the night police, the board of aldermen shall elect some person to fill such vacancy until the next regular election and qualification of their successors.

SEC. 15. The board of mayor and aldermen shall have power to require bond and security in such amounts as they may deem proper, from all persons holding office under the provisions of this charter, conditioned for the faithful discharge of their duties, and the payment of all monies in their hands as the board may direct; and no person shall be qualified or enter upon the discharge of the duties of his office, until he has given bond and security, to be approved by the board in such an amount as the board of aldermen shall require.

SEC. 16. No person shall be eligible to office unless he shall have resided twelve months in the city, next preceding his election.

SEC. 17. The city recorder shall have exclusive original jurisdiction of all the offences arising under any violation of the provisions of this charter, or breach of any ordinance of the city, and shall have concurrent jurisdiction with the justices of the peace of the county of Shelby in all cases arising from a violation of the laws of Tennessee within the limits of the city. He shall receive a salary for his services, to be fixed by the board of mayor and aldermen, which shall not be increased or diminished during the term for which he shall have been elected. He shall pay into the city treasury all fines, fees and forfeitures imposed and collected for a violation of the provisions of this charter, or a breach of any law or ordinance of the city; but he shall be entitled to all fees to which justices of the peace are entitled, arising under the laws of Tennessee.

SEC. 18. There shall be a city treasurer, city engineer and city inspector, whose terms of office and duties shall be prescribed by ordinance. They shall be elected by

the board of aldermen, and shall hold their offices until their successors are duly qualified.

Sec. 19. There shall be such other officers and agents of the corporation as may be provided by ordinance, to be elected by the board of aldermen, and to perform such duties as may be prescribed by ordinance.

## ARTICLE IV.

### OF THE LEGISLATIVE POWERS.

Sec. 1. The board of mayor and aldermen shall have power to lay and collect taxes for the purpose of defraying the expenses necessarily incurred in administering the affairs of the city; but the taxes imposed for that purpose shall never exceed one per cent., or one dollar on every hundred dollars' worth of property within the city limits, liable to taxation, and valued at cash prices. The board of mayor and aldermen shall also have power to lay and collect a special tax for the sole and special purpose of paying the interest as the same may become due, on the bonds authorized to be issued by the second section of this article, for the purpose of funding and paying off the present due debt of the city; said tax shall not be greater than may be necessary for the purpose. A separate account thereof shall be kept, and the money received under it shall not be applied to any other purpose whatever; and it is hereby made the duty of each and every board of mayor and aldermen, immediately after organization as such, to adopt an ordinance imposing said special tax, and until such ordinance shall be passed and approved, no other ordinance or legislative act which they may transact, shall be lawful or binding, or have any legal force or effect whatsoever. The board of mayor and aldermen shall also have power, provided the dividend arising from the railroad or railroads in which the city may hold stock, shall not be sufficient to meet the interest annually accruing on the bonds issued to said railroad, to lay and collect such additional tax as shall be necessary to pay the difference between said dividends on stock and the interest on bonds issued to said railroads.

Sec. 2. They shall not issue the bonds of the city for the purpose of defraying the ordinary, current, annual expenses of its administration; but they may issue the bonds of the city, having not less than thirty years to run, and bearing an interest of not more than six per cent per annum, for the purpose of funding any or all of the present due debt of the city, or that not yet due, but for

livered, which certificates of stock shall be filed with the clerk of the county court, and by him recorded.

**Tax for interest.** SEC. 5. *Be it enacted*, That it shall be the duty of the county court of said county, so soon as any of said bonds shall be issued under the provisions of this act, to provide for the payment of the accruing interest by levying a tax upon the taxable property, privileges and persons, by law liable to taxation, which tax shall be levied and paid upon the principle of levying the State and county tax; which tax, so levied, shall be sufficient in amount, to raise a sum equal to the accruing interest on said bonds so issued, and also sufficient to raise a sum to meet the expenses of collecting and disbursing the said tax.

**Collector to give bond.** SEC. 6. *Be it enacted*, That the county or quorum court of Sumner county may appoint the revenue collector of the county taxes, or such other person as they may elect, the collector of the railroad tax, who shall give bond and security in such an amount as they may require, payable to the State of Tennessee, conditioned that he will discharge his duty and faithfully account for and pay over said taxes, as they may be collected, and deposit the same in some one of the specie paying banks of the city of Nashville, to the credit of the trustee of said county, which may be withdrawn by his check.

**Trustee's duty** SEC. 7. *Be it further enacted*, That it shall be the duty of the county trustee to apply the said fund, so collected, to the payment of the accruing interest of said bonds, as the interest shall fall due; *provided*, however, if the said trustee shall make a satisfactory arrangement with the president and directors of said company to pay the accruing interest on said bonds, he shall be authorized to pay over said funds so collected or deposited, to the said company, who shall apply the same to the payment of said interest.

SEC. 8. *Be it enacted*, That the revenue collector, or such other person elected to collect said railroad tax, shall have the same powers, and be subject to the same duties and liabilities in the collection of said tax, as by the existing laws, the sheriff or revenue collectors have, or are liable and subjected to in the collection of other county revenue; and he and his securities shall be proceeded against in like manner.

SEC. 9. *Be it further enacted*, That the collector of the railroad tax shall collect and deposit as aforesaid, an amount sufficient to meet the semi-annual interest on



said bonds prior to the time the same shall fall due ; but in making his collections, the property now exempt by law from execution, shall, in no case, be levied upon and sold to satisfy railroad tax.

SEC. 10. *Be it enacted*, That the clerk of the county court of Sumner county, so soon as the county court shall prescribe the amount of tax so to be paid, and directed to be levied, shall make out and furnish to the collector of the railroad tax, a list showing the amount of tax that each individual shall pay, which shall be made out in conformity to the last valuation of taxable property and privileges paying taxes, and in like proportions.

Clerk to make  
out tax list.

SEC. 11. *Be it further enacted*, That as the railroad collector shall receive the tax as provided for in this act, he shall give the person paying the same, a certificate showing the amount ; which certificate shall be countersigned by the clerk of the county court, upon the presentation of the same to him for that purpose ; and after the same shall be so countersigned, it may be traded, assigned, or transferred, conferring upon the assignee all the rights of the original owner.

Certificates  
transferable.

SEC. 12. *Be it enacted*, That the dividends arising from the stock subscribed as aforesaid in the said Louisville and Nashville Railroad Company, shall be paid over to the trustee of the county of Sumner, by him to be applied to the payment of the interest on the bonds of the county, issued as aforesaid to said company, and he shall deposit with the clerk of the county court the coupons of said bonds so payed, and the trustee of the county shall execute to the company a receipt for the dividends so paid.

Stock divi-  
dends.

SEC. 13. *Be it enacted*, That so soon as the dividends arising from said stock, shall be sufficient to meet the annual interest on the bonds of the [county,] company, then the tax hereinbefore provided for shall be suspended, to be again levied and collected as before directed, whenever necessary to meet the accruing interest on the bonds.

SEC. 14. *Be it enacted*, That the said Louisville and Nashville Railroad Company shall, upon the date of the first dividend, and thereafter upon presentation and surrender at the office of the company, of tax receipts for taxes paid, to defray the interest upon any of said bonds given by said county, under this act, issue to the holders thereof stock for the same ; said tax may be transferred by endorsement. *Provided*, no stock shall be issued for a less amount than is authorized by law.

deem reasonable, upon all the inhabitants of the city, liable to pay a poll tax to the State.

Sec. 17. To prevent the introduction of contagious diseases into the city, and to establish and regulate hospitals, work-houses, houses of correction, and to establish a board of health.

Sec. 18. To establish a system of free schools within the city, free from sectarian influences, and shall lay a special and additional tax for their support and maintenance, which tax shall not be less than one-twelfth, nor more than one eighth of the ordinary city revenue.

Sec. 19. To provide for the erection and lighting of lamps, and for the erection of all buildings necessary for the use of the city, and improve the navigation of the Mississippi river, within the limits of the city.

Sec. 20. To make, preserve and improve the steamboat and flatboat landing, and control the erection and repairs of all wharves within the city, and fix the rate of wharfage.

Sec. 21. To regulate the anchorage and mooring of steamboats and other water crafts, at the various landings within the city.

Sec. 22. To regulate and license porters and their charges; coachmen, hackmen, omnibusmen or cabmen, and their charges.

Sec. 23. To regulate and suppress all disorderly houses and houses of ill-fame; and to provide for the arrest and confinement until trial, of all vagrants, riotous or disorderly persons within the limits of the city.

Sec. 24. To authorize the arrest and detention of all free negroes, slaves, or other persons, violating any ordinance of the city.

Sec. 25. To pass such laws as may be deemed necessary to control and regulate free negroes and slaves, and to punish them for violation thereof.

Sec. 26. To regulate the keeping and storage of gunpowder and other combustible articles.

Sec. 27. To regulate the use of lights, stove-pipes and flues, in all shops, stables, kitchens and other like places.

Sec. 28. To provide for the inspection and weighing and measurement of all kinds of provisions, provender, fuel, etc., for man and beast.

Sec. 29. To provide for the gauging and inspection of all kinds of liquors.

Sec. 30. To regulate the laying of railroad iron, and the passage of railroad cars through the city.

Sec. 31. They shall have power to pass all laws and

ordinances which may be necessary for the prompt and efficient collection of the revenue of the city.

#### CITY REVENUE.

**SEC. 1.** Two-thirds of the revenue collected in each ward, from real estate, shall be expended in such ward, unless the aldermen of the ward otherwise agree; or, unless the same be required for the purposes hereinbefore specified.

**SEC. 2.** All that portion of the State school fund, coming to the city of Memphis, shall hereafter be paid to the treasurer of the city of Memphis, instead of the trustees of the county of Shelby.

**SEC. 3.** The county tax hereafter collected within the limits of the city of Memphis, shall be paid over direct, by the collector of the county revenue, to the mayor and aldermen of the city, and also the fines and forfeitures of the common law and chancery court of the city of Memphis, and of all other courts which may hereafter be held in the city of Memphis, shall be paid over by the respective clerks thereof, direct to the mayor and aldermen of the city of Memphis, and the mayor and aldermen shall defray all expenses incident to the holding of all such courts.

**SEC. 4.** The clerk of the county court of Shelby county, shall hereafter pay directly over to the treasurer of the city of Memphis, all monies collected by him, for license granted within the limits of the city of Memphis.

**SEC. 5.** All taxes assessed upon real estate within the city, shall be a lien upon such real estate, superior to all other claims, whatsoever, from the time the same are assessed.

**SEC. 6.** Whenever any revenue, or other city officer, accountable as such, for money received by him, shall neglect or refuse to pay the same into the city treasurer's hands, the sum, or balance due by him to the city, upon the adjustment of his account, the mayor shall order suit to be commenced against such delinquent officer and his securities for such balance, adding thereto interest, at the rate of ten per cent per annum, from the time of receiving the money until it shall be paid.

**SEC. 7.** In every instance where the suit shall be instituted, as specified in the foregoing section, a transcript from the register's books shall be admitted as evidence, and the courts trying the cause may grant judgment, and award execution accordingly.

**SEC. 8.** When suit shall be commenced against any

Suit against delinquent officer

such delinquent, or such delinquent and his securities, the court where the same may be pending, shall grant judgment, at the return term, upon motion, unless the defendants, or some of them, shall, in open court, on or before the third day of the term of said court, make an oath or affirmation, that he is entitled to credits which have not been allowed, specifying the particular items of credit in his affidavit, and that he cannot safely go into trial at that term of the court; which oath or affirmation shall be written down, subscribed and filed, when the court, in its discretion, may grant a continuance to the next term.

**Delinquent polls to be reported.** SEC. 9. Immediately after the end of each fiscal year, the collector of the city revenue shall report to the city recorder all persons who have been delinquent in paying their city tax, together with the amount due from each delinquent; upon the presentation of which report, the recorder of the city shall immediately issue to the city collector a distress warrant, commanding him to distrain and sell so much of the delinquent's goods and chattels, lands and tenements, as shall be sufficient to satisfy the same, and make return thereof to the Recorder.

SEC. 10. The collector shall levy said warrant upon the personal property of the delinquent; if sufficient be found to satisfy the said warrant, then it shall be the duty of the said collector to levy the same upon so much of the real estate of said delinquent as will be sufficient to satisfy the tax, costs and charges against said delinquent, and sell the same by giving ten day's notice.

**Sale of real estate.** SEC. 11. Whenever any real estate shall be offered for sale, as provided for in the foregoing sections, the officer selling the same shall sell no more of any lot, or part of lot, than will be sufficient to pay the tax, costs and charges, and where no other person shall bid at the sale, the property thus offered, shall be knocked off to the city, which shall be considered the purchaser.

**Certificate of purchase.** SEC. 12. The officer thus selling any real estate, shall give to the purchaser a certificate of purchase, the amount paid, the number of feet of ground sold, and the street on which the same is located, the number of the lot, or part of lot, thus bid off; and should the owner fail to redeem the same in twelve months, the officer selling, or his successor in office, shall make to the purchaser, or his representatives, or assigns, a deed for the same; which deed, when so made, acknowledged and registered in the register's office of Shelby county, shall be received and read as evidence in all the courts of law

and equity in this State, as other good and regular conveyances; *provided*, nevertheless, that the owner of any real estate, thus sold, may redeem the same at any time within twelve months from the day of sale, by paying the purchase money, with fifty per cent interest thereon.

SEC. 13. Should any person presume to make any exhibition, or show, or exercise any privilege within the city of Memphis, for which license may be required by any ordinance of the city of Memphis, without first obtaining a license, the person so offending, shall forfeit and pay the amount of such license; for which, the recorder may, at any time, issue his warrant of distress to the collector or marshal of the city, who may thereupon seize, and forthwith sell the goods and chattels of the party offending, or as much thereof as will be sufficient to satisfy the amount distrained for, together with all costs, etc.

Penalty for acting without license.

## ARTICLE V.

### OF ELECTIONS.

SEC. 1. A general election for all officers of the city required by this charter, or any ordinance of this city, shall be holden on the last Thursday in June of each year.

SEC. 2. At all elections for city officers, the voters shall vote by ballot, and only in wards where they shall reside.

SEC. 3. No man shall be a qualified voter unless he be a white man, twenty-one years of age, a citizen of the United States, and of the State of Tennessee, and shall have been an actual, *bona fide* resident of the city of Memphis six months, and of the ward in which he offers his vote thirty days next preceding the election at which he offers the same, and shall have paid his corporate tax for the corporate year in which he offers to vote.

SEC. 4. Elections for city officers shall continue one day, and during the hours between 10 A. M. and 5 P. M., at which times the polls shall be opened and closed, the polls shall not be closed but one hour.

SEC. 5. Special elections, to fill vacancies, and such offices as are created, and to be filled by election, under any ordinance, shall be held under such regulation as may be provided by ordinance.

## ARTICLE VI.

## OF OPENING AND IMPROVING STREETS, ALLEYS, AND STRAIGHTENING BAYOU GAYOSO.

SEC. 1. It shall not be lawful for the mayor and aldermen to grade, pave, macadamize, water, or light any lane, street, avenue, or alley, within the city, not established and opened according to law and ordinance. It shall be lawful, however, for the mayor and aldermen to compel the owner or owners of ground, or any private alley, to keep the same clean, and if necessary thereunto, compel him, or them, to improve the same.

SEC. 2. Whenever it may become necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, or for the purpose of straightening any branch or bayou within the limits of the city, the corporation shall make just compensation therefor to the person or persons whose property is so taken, and if the amount of such compensation cannot be agreed upon between the parties, there shall be a jury of five freeholders, residing in the city, appointed—two by the mayor, and two by the owner of the property, or his or their agent, and they shall appoint the fifth—to ascertain the amount of compensation to be paid; and in estimating the damage or compensation, the jury shall take into consideration the benefits of opening, widening, or altering, or straightening such street, lane, avenue, branch or bayou, as well as the damages to the owner or owners of the property thus taken.

Jury to assess damages. SEC. 3. The mayor shall appoint the time for the meeting of the jury, and shall give the owner or owners of the property thus being appropriated, or his or their agent, if within the city, five days' notice of the time and place of the sitting of the jury; and when the jury are assembled they shall be sworn to decide the controversy according to law and evidence, and shall return a copy of their inquest, in writing, to the mayor, and a copy to the owner or owners of the property, or his or their agent. In the event the owner or owners of the property, or his or their agent shall refuse, fail or neglect to appoint two jurors, on his or their part, the mayor shall have power to appoint four jurors, and they the fifth; and in the event the owner or owners of the property shall not reside in the city of Memphis, or county of Shelby, and shall have no agent in the city of Memphis, or county of Shelby, the mayor shall appoint four jurors, and they shall appoint the fifth, who shall

act as a jury, as hereinbefore provided; *Provided, however*, that in the event the owner or owners of the property, or his or their agent, shall not reside in the city of Memphis, or county of Shelby, the mayor shall, before he appoints the four jurors, give thirty days' notice in some newspaper published in the city of Memphis, to the owner or owners of the property, requiring him or them to appoint two jurors, and in case of failure on his or their part to do so, within thirty days after the notice thus given, the mayor shall then proceed to appoint the four jurors, and they the fifth, who shall act as a jury, as hereinbefore provided.

SEC. 4. Either party shall have power, within ten days after the return of any inquest thus made, to take an appeal on the same from the decision of the jury to the circuit court, or to the common law court of the city of Memphis. But when an appeal shall be taken by the owner or owners of the property, the board of aldermen may, after having made a tender of the amount of compensation, assessed by the jury, to the owners of the property, or his or their agent, appropriate all such property for said public purposes before the termination of the suit. Appeals allowed.

SEC. 5. The mayor and aldermen shall have power, by ordinance, to compel the owners of property upon any street, lane, or alley, or avenue, within the city, to grade and pave the side-walks, the whole extent of his or her lot, fronting on said street, lane, alley, or avenue, whenever they may deem it expedient or necessary, for the comfort and convenience of the inhabitants of the city; to be done according to the grade furnished by the engineer. Side-walks.

SEC. 6. Should the owner or owners of any lot or lots, fronting upon and adjoining upon such street, lane, alley, or avenue, fail to comply with the provisions of any ordinance requiring him or them to repair, grade and pave the same, within such time as may be prescribed by said ordinance, the mayor and aldermen may contract with some suitable person or persons for repairing, grading and paving the same, and pay therefor. But when any person shall have so graded, paved, and repaired any sidewalk, according to the grade furnished by the city engineer, and the grade shall afterwards be altered or changed by an act of the city authorities, the same shall be repaired, paved and graded by the city at its own expense. Authorities may pave.

SEC. 7. Whenever the side-walk on any street, lane, alley or avenue, shall be repaired, graded or paved, and

paid for by the city, the payment thus made shall remain a lien on the property for one year after the same is paid for by the city; which lien may be enforced by suit before any court having jurisdiction of the cause.

## MISCELLANEOUS PROVISIONS.

SEC. 1. The mayor and aldermen shall cause to be published, in two of the newspapers of the city, within one month after the end of each fiscal year, a full, complete and detailed statement of all moneys received and expended by the corporation during the preceding fiscal year, and on what account received and expended, classifying the receipts and expenditures under their proper heads.

SEC. 2. All ordinances and resolutions now in force in the city of Memphis, and not inconsistent with this charter, shall remain in force until altered, modified, or repealed by the board of mayor and aldermen.

SEC. 3. All laws heretofore passed by the city authorities of Memphis, or South Memphis, not hereby or heretofore repealed or rescinded, and not in conflict with each other, shall remain in full force and effect until hereafter repealed by the mayor and aldermen of Memphis; and all legal contracts heretofore entered into by either corporation, shall be faithfully observed and carried out. And power is hereby given the mayor and aldermen to collect all taxes, debts, fines, &c., due to either Memphis or South Memphis, and to carry on all suits began by them, and no suit shall abate by reason of this act, but may be carried on against them without amendment of parties.

SEC. 4. The mayor and aldermen may, as soon as practicable, after the passage of this charter, erect and organize a work-house in the county of Shelby, and any person who shall neglect, fail or refuse to pay any fine imposed upon him by any ordinance of the city, for any breach of ordinance or misdemeanor, shall be committed to the work-house until such fine and costs are paid; *Provided*, that no such imprisonment shall exceed the period of six months for any offence.

SEC. 5. Every person so committed to the work-house, shall be required to work for the city, (within or without the work-house,) at such labor as his health and strength will permit, not exceeding ten hours per day, and for such work and labor the person so employed shall be allowed, exclusive of his board, fifty cents a day for



each day's work, which amount shall go to the payment of such fine and costs.

SEC. 6. The inhabitants of the city of Memphis are hereby exempted from working on any road beyond the limits of the city, and from any tax to procure laborers to work upon the same.

SEC. 7. There shall be a digest of the ordinances of the city, which are of a general nature, published within six months after the passage of this act, and a like digest within every three years thereafter. Digest.

SEC. 8. All the time bonds heretofore issued by the mayor and aldermen of the city of Memphis, for the purpose of borrowing money, are hereby declared legal and binding, any provision of any law or ordinance to the contrary notwithstanding. Bonds made valid.

SEC. 9. The fiscal year of the city shall terminate on the first day of June of each year. Fiscal year.

SEC. 10. The mayor, or any justice of the peace, or judge of a court, may administer any oath required to be taken by the provisions of this charter.

SEC. 11. This charter shall be a public act, and may be read in all the courts of law and equity in this State without proof, and shall go into effect immediately after its passage; and all the present officers of the city shall continue in office under this charter, and shall exercise the functions thereof until the election and qualification of their successors, which election shall take place on the last Thursday in June, 1854.

SEC. 12. And all provisions in any law, contrary to, or inconsistent with, the provisions of this charter, are hereby repealed.

SEC. 13. The board of mayor and aldermen shall, by ordinance, prescribe the duties of all persons holding office under the provisions of this charter.

SEC. 14. Any person holding office under the provisions of this charter, may at any time be removed therefrom by a vote of two-thirds of all the aldermen elected.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CXCVI.

AN ACT to amend the charter of the Citizens' Bank of Nashville and Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed 25th February, 1852, entitled "an act to establish the Citizens' Bank of Nashville and Memphis," be amended as follows, namely: The principal bank shall hereafter be established and transact its business in the city of Memphis, and the directors of said bank shall be elected annually by the stockholders at the banking house in Memphis. And the cashier of said bank may be appointed from their own body, or the directors may select any other competent person. The notice for the election of directors shall be given in one or more of the Memphis newspapers; that said bank may establish an office in the city of Nashville at its discretion, under the rules and regulations prescribed in said charter, and the legal proceedings contemplated and provided for in the seventeenth section of said act, shall be had in the circuit court of Shelby county, in the State of Tennessee, instead of the county of Davidson, in said State.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 5, 1853.

## CHAPTER CXCVII.

AN ACT to charter the Bank of West Tennessee and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established a bank at Memphis, to be called the bank of West Tennessee; the capital of which shall not exceed fifteen hundred thousand dollars, to be divided into shares of one hundred dollars each. Books for subscriptions shall be opened on the first day of March, in the year 1854, or any time thereafter, at Memphis, under the superintendence of Jesse Maxwell, Robertson Topp, C. W. Cheny, Q. C. Atkinson, Henry C. Walker, D. M. Lea-  
Commissioners

therman, Archibald Wright, John Martin, Hugh McClung, R. C. Brinkley, Wm. M. Farrington, A. S. Caldwell and Lewis P. Williamson, and any five of said commissioners shall be sufficient to perform the duties of their appointment. And they shall keep the books open for subscription at least five days; provided the whole amount of stock is not sooner subscribed; and the amount of share or shares so subscribed, shall be paid for in gold or silver, or in notes or bills, which the commissioners or directors may deem equivalent to, or better than specie; that is to say, ten dollars on each share to the proper commissioners, at the time of subscribing, and the remaining ninety dollars to the directors of the bank for the time being, in such instalments as they may, from time to time require.

**Sec. 2.** *Be it enacted,* That the subscribers to said bank, their successors and assigns, shall be, and they are hereby created a body corporate and politic in law <sup>Incorporation and general powers.</sup> and fact, by the name and style of the "President, Directors and Company of the Bank of West Tennessee," and shall so continue until the first day of January, 1884, and no longer; and by the name and style aforesaid, they shall be and are hereby made able and capable in law, to have, purchase and receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattles and effects of any kind, nature or quality whatever, to an amount, not exceeding in the whole, fifteen hundred thousand dollars, exclusive of the capital stock aforesaid, and the same to alien, sell, devise, grant, or dispose of; to sue and to be sued, to plead and to be defended, in all courts of record, or any other place whatever; and also to make, have and use a common seal, and the same to break, alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government and management of said corporation, not being contrary to the constitution and laws of this State, or of the United States; and generally to do and execute all acts, matters and things which a corporation or body politic in law, may and can lawfully execute.

**Sec. 3.** *Be it enacted,* That for the due administration of the affairs of said bank, there shall be five directors, citizens of this State, who shall be elected annually at the banking house in Memphis, three of whom shall reside in Shelby county, on the first Monday of March, by the stockholders; and the directors at their first meet- <sup>Election of directors.</sup>

ing after each election, shall appoint one of their body president of said bank; and if at any time it should appear that an election of directors should not be made upon the day when in pursuance of this act it ought to have been made, the corporation shall not for that cause be deemed dissolved, but it shall be lawful at any other time to make such election within thirty days thereafter, in such manner as shall have been prescribed by the laws or ordinances of said corporation; and in case of the death, resignation or removal from the State of a director elected by the stockholders, his place shall be filled by the remaining directors or a majority of them, until the next general election.

**Officers, clerks and servants.** SEC. 4. *Be it enacted*, That the directors for the time being, shall have power to appoint such officers, clerks and servants under them as shall be necessary for executing and transacting the business of said corporation, and to allow them such compensation for their services as shall be reasonable; and shall be capable of exercising all such other powers and authorities for the well governing and ordering the affairs of said corporation as shall be prescribed and provided by the laws, regulations and ordinances of the same.

**When to organize.** SEC. 5. *Be it enacted*, That as soon as four thousand five hundred shares of the capital stock of the Bank of West Tennessee shall have been subscribed, an election shall be held for directors, the commissioners appointed in Memphis giving thirty days' notice in the Memphis newspapers, who shall proceed forthwith to organize said bank, and continue in office until the next stated election, and until a new board shall be formed.

SEC. 6. *Be it enacted*, That the directors shall keep fair and regular minutes of their proceedings, and on any question when one director shall require it, the yeas and nays of the members voting shall be duly entered.

SEC. 7. *Be it enacted*, That it shall be lawful for any one or more directors of said bank to examine and inspect the books and accounts of said bank at any time, whether the board of directors be in session or not.

SEC. 8. *Be it enacted*, That the bills and notes issued by this bank, shall, in no case, exceed one hundred per cent above the amount of the capital stock paid in.

**Penalty for embezzlement, &c** SEC. 9. *Be it enacted*, That if the cashier, or any other officer, agent or servant of said bank, shall embezzel, and without authority from the president and directors of the said bank, appropriate any funds of said corporation to his own use with intent to cheat and defraud

the president, directors and company of said bank, or shall fail to make correct entries, or shall make false entries upon the books of the said bank, with intent to defraud said bank or any other person whatever, said officer, agent or servant of said bank shall be held and deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State, for the period of not less than five years nor more than twenty.

Sec. 10. *Be it enacted*, That whenever the legislature may be of opinion that the charter of the corporation hereby granted shall have been violated, and that the same has been forfeited, it may be lawful, by joint resolution, to direct a *scire facias* to issue from the supreme court of the State, in the name of the State of Tennessee, calling upon said corporation to show cause why the charter hereby granted shall not be declared forfeited, and service of said *scire facias* upon the president and any two directors shall be deemed a sufficient service upon said corporation; and it shall be lawful for the said court, and they shall have full power upon the return of the *scire facias* being made known, to enquire the truth of the alledged violation; and if such violation be made to appear, then to adjudge and pronounce that said charter is forfeited and annulled. *Provided*, however, that said *scire facias* shall specify with precision, the nature of the complaint, the grounds upon which the forfeiture is claimed; and every issue of fact which may be found between the State and said corporation, shall be tried by a jury to be empannelled by said court for that purpose.

Forfeiture of  
charter.

Sec. 11. *Be it enacted*, That if at any time it shall be made to appear by *scire facias* or any other judicial proceedings, in any of the courts of record in this State, that said corporation has violated this charter by exceeding the amount of issues herein authorized to be made, or by extending or giving to stockholders discounts or other banking accommodations by virtue of their stock, beyond what is extended or given to others not being stockholders, then, and in either of the above cases, the directors voting for, or who may have sanctioned such violation of the charter, shall be responsible in their private property for any loss or damage which may be sustained by any person in consequence of such violation; and in case the profits, real, personal and mixed, of such directors, may not be sufficient to compensate for the injuries which may have thus been sustained by stockholders, or others, then, and in that case,

Individual  
liability.

the stockholders shall be liable in their property, both real and personal, to an amount equal to the stock by them respectively held, to make up such deficiency. *Provided*, however, that said individual liability shall not be enforced against either directors or stockholders, so long as said bank shall continue to redeem its notes or pay its debts at its usual place of doing business, nor until judgment shall have been regularly first obtained against said bank, and execution shall have been duly returned unsatisfied and that no property of said corporation can be found to satisfy the same.

Fundamental  
articles.

SEC. 12. *Be it enacted*, That the following shall constitute the fundamental articles of said corporation.

ARTICLE 1. All stockholders owning ten shares and under, shall be entitled to one vote, and the owners of more than ten shares shall be entitled to one vote for every ten shares.

ART. 2. None but a stockholder, being a citizen of the State of Tennessee, shall be eligible as a director, and no director in any other bank, or the partner in trade of such director, nor two persons trading in partnership at the same time, shall be eligible or capable of serving as directors in this bank.

ART. 3. No director shall be entitled to any emolument unless the same shall have been allowed by the stockholders at a general meeting; but the directors for the time being, shall have power to make such compensation to the president of said bank for his extraordinary attendance at the bank, superintending its concerns, as to them shall seem reasonable.

ART. 4. Not less than three directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence; in which case, a president *pro tem* may be appointed by a majority of the directors present.

ART. 5. A number of stockholders, not less than ten, holding at least five hundred shares, shall have power at any time, to call a general meeting of the stockholders, as shall also a majority of the directors, for purposes relating to the institution, giving at least six weeks' notice in two newspapers of general circulation, specifying the object or objects of such meeting.

Bonds of  
officers.

ART. 6. The cashier of the bank shall execute his obligation with security approved of by the board of directors, payable to the president and directors of said bank and their successors in office, for the faithful performance of his duty as cashier, with such covenants

and in such penalty, as said president and directors shall deem requisite and proper; and said president and directors shall have full power to require like bond and security for any other of the offices, with like covenants and conditions, if they deem it necessary; which said bonds, when taken, shall be placed in the hands of the Secretary of the State, and shall be good and sufficient in law or equity, to enable said bank to recover of and from said cashier or other officer and their securities, all sums of money which may come to their hands in the discharge of their official duty; and for any default, neglect, fraud or failure on the part of said officers, suit may be brought on said bond or bonds, obligation or obligations, from time to time, and recoveries thereon had for all sums due on account of any default, neglect, fraud, failure or delinquency on the part of said cashier or other officer, without regard to the amount, of any penalty that may be mentioned in said bond or obligations.

ART. 7. The lands, tenements and hereditaments which it may be lawful for said corporation to hold, shall be only such as shall be requisite for immediate accommodations for the transaction of the business of said corporation, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to said bank in satisfaction of debts previously contracted in the course of ordinary banking business, or purchased at sales upon judgments or decrees which shall have been obtained for such debts.

ART. 8. The stock of said bank shall be assignable and transferrable on the books of the company, according to such rules, ordinances and regulations as shall be prescribed by the president and directors thereof; and it is hereby expressly provided, that any stockholder who shall transfer all his, her or their stock in said corporation, to any other person or persons whatsoever, shall immediately cease to be a member of said company; and that any person or persons whatever, who shall accept a transfer of any share or stock in said bank shall thereupon become members of this corporation agreeably to the fundamental articles of the same, and this act of incorporation.

ART. 9. All bills, bonds, notes and every contract on behalf of the company, shall be signed by the president and countersigned and attested by the cashier of the company, and the funds of the company shall in no wise be held responsible for any contract or engagement

whatsoever, unless the same shall be executed as aforesaid.

ART. 10. The bills obligatory and of credit, under the seal of the corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees successively, and shall enable such assignee or assignees to bring and maintain an action and recover thereon in his, her or their own name or names; and bills or notes which may be issued by order of said corporation, signed by the president and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her or their order, or the bearer, though not under the seal of said corporation, shall be binding and obligatory upon the same, in like manner, and with like effect, as foreign bills of exchange now are, and those payable to bearer shall be negotiable and transferable by delivery thereof only; and all bills and notes whatever, under seal or otherwise, at any time discounted by said corporation, shall be, and they are hereby placed upon the same footing as foreign bills of exchange, so that the like remedy shall be had for the recovery thereof against the drawer or drawers, endorser or endorsers, and with like effect, except so far as relates to damages, any usage, law or custom to the contrary notwithstanding.

ART. 11. The said corporation shall not directly or indirectly demand, take or receive by way of discount or for interest, a greater sum or sums than six per centum per annum. *Provided*, that this article shall not be so construed as to prevent the said bank from demanding and receiving a reasonable premium for exchange in addition to interest upon notes or bills, payable at a point beyond the limits of the State.

ART. 12. The stockholders in said bank shall not be entitled to any other or greater accommodation in said bank by pledge of his stock than any other individual not a stockholder.

ART. 13. Half-yearly dividends shall be made of so much of the profits as shall appear to the directors advisable; and once in every year, at the meeting to be annually held for the election of directors, there shall be exhibited an exact and particular statement of the general accounts of said corporation, and if any stockholder shall be in default, or shall have failed to pay any part of the sum or sums by him, her or them subscribed, the

Defaulting  
stockholders.



party failing shall forfeit all payments previously made to the bank, together with any dividend which may have accrued, should the board of directors so direct.

ART. 14. The said corporation shall not at any time suspend or refuse payment of any of the notes, bills or obligations thereof, nor of any money received on deposit in said bank, when demanded by the holder or depositor, in gold or silver, and in case of such refusal, the holder of such note, bill or obligation, or the person or persons entitled to receive such money as aforesaid, shall be respectively entitled to receive interest from the time of such demand and refusal, at the rate of ten per cent per annum, until paid. Refusal of payment.

SEC. 13. *Be it further enacted*, That in consideration of the privileges granted by this charter, the bank agrees to pay the State annually one half of one per cent on the amount of the capital stock subscribed and paid in. Bonus.

SEC. 14. *Be it further enacted*, That Benjamin Chandler, Ker. Boyce, William Williams and Robert M. Hooke, their associates and successors, be, and they are hereby constituted a body corporate and politic by the name and style of "The Bank of Chattanooga," and by such name may sue and be sued, plead and be impleaded; may have succession for a period of thirty years from the first day of January, 1854; may have a common seal; may hold real estate so far as the same may be necessary for banking houses, or may be received in payment of debts or otherwise, necessary for the legitimate business of the corporation. Bank of Chattanooga.

SEC. 15. *Be it further enacted*, That whenever one hundred thousand dollars have been subscribed to the capital stock of said bank, in shares of one hundred dollars each, by the corporators hereinbefore named, or by other persons, and ten per centum on that amount is paid by the subscribers in the manner directed in the first section of this act, then and not till then, shall said corporation commence the business of banking. When corporation complete.

SEC. 16. *Be it further enacted*, That the capital stock of said Bank of Chattanooga shall not be less than one hundred thousand dollars, nor more than five hundred thousand dollars.

SEC. 17. *Be it further enacted*, That all the privileges conferred by this act upon the president, directors and company of the Bank of West Tennessee, be, and they are hereby conferred upon the Bank of Chattanooga, subject to all the restrictions imposed upon said president, directors and company of the Bank of West Ten-

nessee, so far as said privileges and restrictions can be applicable to the said bank of Chattanooga.

**SEC. 18.** *Be it further enacted,* That the corporators may, at any time they see proper to do so, and at their principal office or elsewhere, open books for subscriptions of stock, after the one hundred thousand dollars of capital stock has been subscribed; and thus, from time to time, as they may deem proper, increase their capital stock, not so as to exceed, however, five hundred thousand dollars.

**SEC. 19.** *Be it further enacted,* That said bank shall be located in the town of Chattanooga, Hamilton county, Tennessee.

**SEC. 20.** *Be it further enacted,* That in consideration of the privileges granted by this charter the said Bank of Chattanooga agrees to pay the State annually, one half of one per cent on the amount of the capital stock subscribed and paid in.

**SEC. 21.** *Be it further enacted,* That all bills and notes issued at the principal Bank of West Tennessee, intended for circulation, shall be made payable at said principal bank at Memphis.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 2, 1854.

## CHAPTER CXCVIII.

AN ACT to charter the Ocoee Bank.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas H. Callaway, Alexander Cleage, Samuel Congdon, Euclid Waterhouse, and William G. Swan, their associates and successors, be, and they are hereby constituted a body corporate and politic, by the name and style of the Ocoee Bank, and by such name may sue and be sued, plead and be impleaded; may have succession for a period of thirty years; may have a common seal; may hold real estate so far as the same may be necessary for banking houses, or may be received in the payment of debts, or other-

wise, necessary for the legitimate business of the corporation.

SEC. 2. *Be it further enacted*, That whenever one hundred thousand dollars have been subscribed to the capital stock of said bank, in shares of one hundred dollars each, by the corporators hereinbefore named, or by other persons, and ten per centum on that amount is paid by the subscribers, in gold or silver, or in notes or bills which the corporators or directors may deem equivalent to, or better than specie, then, and not till then, shall said corporation commence the business of banking. When corporation formed.

SEC. 3. *Be it further enacted*, That the capital stock of said Ocoee bank, shall not be less than one hundred thousand dollars, nor more than nine hundred and fifty thousand dollars. Capital stock.

SEC. 4. *Be it further enacted*, That the corporators may, at any time they see proper to do so, and at their principal office, open books for subscriptions to the capital stock of said Ocoee bank, after the one hundred thousand of capital stock has been subscribed, and thus from time to time, as they deem proper, increase their capital stock, not so as to exceed, however, nine hundred and fifty thousand dollars. May increase capital.

SEC. 5. *Be it further enacted*, That the corporators of said Ocoee bank, may locate their principal office at such town in East Tennessee as they may select, and in the event they should not locate their principal office either at Chattanooga, Loudon, Knoxville, Greenville or Tazewell, they may locate a branch at either or all of said towns; in which latter event, they may add one hundred thousand dollars to their capital for each branch. Branches.

SEC. 6. *Be it further enacted*, That for the due administration of the affairs of said bank, there shall be five directors, citizens of this State, who shall be elected annually at their banking house, on the first Monday of January, by the stockholders; and the directors at their first meeting after each election, shall appoint one of their body president of said bank; and if, at any time, it should so happen that an election of directors should not be made, upon any day when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed dissolved, but it shall be lawful, at any other time, to make such election within thirty days thereafter, in such manner as shall have been prescribed by the laws or ordinances of said corporation; and in case of the death, resigna- President and directors.

tion or removal from the State of a director, elected by the stockholders, his place shall be filled by the remaining directors, or a majority of them, until the next general election.

Officers, clerks and servants. **SEC. 7.** *Be it further enacted,* That the directors for the time being, shall have power to appoint such officers, clerks, and servants under them, as shall be necessary for executing and transacting the business of said corporation, and to allow them such compensation for their services as shall be reasonable; and shall be capable of exercising all such other power and authorities for the well governing and ordering the affairs of said corporation, as shall be prescribed and provided by the laws, regulations and ordinances of the same.

Books. **SEC. 8.** *Be it enacted,* That the directors shall keep fair and regular minutes of their proceedings, and on any question where one director shall require it, the yeas and nays of the members voting shall be duly entered.

**SEC. 9.** *Be it enacted,* That it shall be lawful for any one of the directors of said bank, to examine and inspect the books and accounts of said bank, at any time, whether the board of directors be in session or not.

**SEC. 10.** *Be it enacted,* That the bills and notes issued by this bank, shall in no case exceed one hundred per cent. above the amount of the capital paid in.

Penalty for embezzl'ment &c. **SEC. 11.** *Be it enacted,* That if the cashier, or any other officer, agents or servants of said bank, shall embezzle, and without authority from the president and directors of said bank, appropriate any of the funds of said corporation to his own use, with intent to cheat and defraud the president, directors and company of said bank, or shall fail to make correct entries, or shall make false entries upon the books of said bank, with intent to defraud said bank or any other person whatsoever, said officer, agent or servant of said bank, shall be held and deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State, for a period not less than five, nor more than twenty years.

Forfeiture of charter. **SEC. 12.** *Be it enacted,* That whenever the legislature may be of opinion that the charter of the corporation hereby granted, shall have been violated, and that the same has been forfeited, it may be lawful, by joint resolution, to direct a *scire facias* to issue from the supreme court of the State, in the name of the State of Tennessee, calling upon said corporation to show cause why the charter hereby granted shall not be declared forfeited; and service of said *scire facias* upon the president,

or any two of the directors, shall be deemed a sufficient service upon said corporation; and it shall be lawful for said court, and they shall have full power, upon the return of the *scire facias* being made known, to inquire into the truth of the alleged violation; and if such violation be made to appear, then to adjudge and pronounce that said charter is forfeited and annulled; *Provided, however*, that said *scire facias* shall specify with precision the nature of the complaint, the grounds upon which the forfeiture is claimed, and every issue of fact which may be found between the State and said corporation, shall be tried by a jury to be empaneled by said court for that purpose.

Sec. 13. *Be it enacted*, That if, at any time, it shall be made to appear by *scire facias*, or any other judicial proceeding in any of the courts of record in this State, that said corporation has violated this charter, by exceeding the amount of issues herein authorized to be made, or by extending or giving to stockholders, discounts or other banking accommodations, by virtue of their stock, beyond what is extended or given to others not being stockholders, then, and in either of the above cases, the directors voting for, or who may have sanctioned such violations of the charter, shall be responsible in their private property, for any loss or damage which may be sustained by any person in consequence of such violation; and in case the property, real, personal and mixed, of such directors, may not be sufficient to compensate for the injuries which may thus be sustained by stockholders or others, then, and in that case, the stockholders shall be liable in their property, both real and personal, to an amount equal to the stock by them respectively held, to make up such deficiency; *Provided, however*, that said individual liability shall not be enforced against either directors or stockholders, so long as said bank shall continue to redeem its notes or pay its debts at its usual place of doing business, nor until judgment shall have been regularly first obtained against said bank, and execution shall have been duly returned unsatisfied, and that no property of said corporation can be found to satisfy the same.

Individual liability.

Sec. 14. *Be it enacted*, That the following shall constitute the fundamental articles of said corporation: Fundamental articles.

ARTICLE 1. All stockholders owning ten shares and under, shall be entitled to one vote, and the owners of more than ten shares shall be entitled to one vote for every ten shares.

ART. 2. None but a stockholder being a citizen of

the State of Tennessee, shall be eligible as a director; and no director in any other bank, or the partner in trade of such director, nor two persons trading in partnership at the same time, shall be eligible or capable of serving as directors in this bank.

ART. 3. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting, but the directors for the time being shall have power to make such compensation to the president of said bank for any extraordinary attendance at the bank, and superintending its concerns, as to them shall seem reasonable.

ART. 4. Not less than three directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence; in which case a president *pro tempore* may be appointed by a majority of the directors present.

ART. 5. A number of stockholders holding not less than five hundred shares, shall have power at any time to call a general meeting of the stockholders, as shall also a majority of the directors, for purposes relating to the institution, giving at least forty days notice in two newspapers of general circulation, specifying the object or objects of such meeting.

Officers bonds. ART. 6. The cashier of the bank shall execute his obligation with security, approved by the board of directors, payable to the president and directors of said bank and their successors in office, for the faithful performance of his duty as cashier, with such covenants, and in such penalty as said president and directors shall deem requisite and proper; and said president and directors shall have full power to require like bond and security from any other of the officers, with like covenants and conditions, if they deem it necessary; which said bonds, when taken, shall be placed in the hands of the Secretary of State, and shall be good and sufficient in law or equity to enable said bank to recover of and from said cashier, or other officer and their securities, all sums of money which may come to their hands in the discharge of their official duty, and for any default, neglect, fraud or failure on the part of said officers, suit may be brought on said bond or bonds, obligation or obligations, from time to time, and recoveries thereon had for all sums due on account of any default, neglect, fraud, failure or delinquency on the part of said cashier or other officer, without regard to the amount of any penalty that may be mentioned in said bonds or obligations.

**ART. 7.** The lands, tenements and hereditaments which it may be lawful for said corporation to hold, shall be only such as shall be requisite for its immediate use for the transaction of the business of said corporation, and such as may have been *bona fide* mortgaged to it by way of security, or conveyed to said bank in satisfaction of debts previously contracted in the course of ordinary banking business, or purchased at sales upon judgments or decrees which shall have been obtained for such debts.

**ART. 8.** The stock of said bank shall be assignable and transferable on the books of the company, according to such rules, ordinances and regulations as shall be prescribed by the president and directors thereof; and it is hereby expressly provided that any stockholder who shall transfer all his, her or their stock in said corporation, to any other person or persons whatsoever, shall immediately cease to be a member of said company; and that any persons whatsoever, who shall accept a transfer of any share of stock in the said bank, shall thereupon become members of this corporation, agreeably to the fundamental articles of the same and this act of incorporation.

**ART. 9.** All bills, bonds, notes, and every contract on behalf of the company, shall be signed by the president and countersigned and attested by the cashier of the company, and the funds of the company shall in no wise be held responsible for any contract or engagement whatsoever, unless the same shall be executed as aforesaid.

**ART. 10.** The bills obligatory and of credit, under the seal of the corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon under the hand or hands of such person or persons, and of his, her or their assignee or assignees respectively; and shall enable such assignee or assignees to bring and maintain an action, and recover thereon in his, her or their own name or names; and bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her or their order, or the bearer, though not under the seal of said corporation, shall be binding and obligatory upon the same in like manner, and with like effect, as foreign bills of exchange now are; and those payable to bearer shall be negotiable and transferable by delivery thereof only, and all bills and notes, whether under seal or otherwise, at any time discount-

Bills assignable by endorsement.

ed by said corporation, shall be, and they are hereby placed on the same footing of foreign bills of exchange, so that the like remedy shall be had for the recovery thereof against the drawer or drawers, endorser or endorsers, and with like effect, except so far as relates to damages, any law, usage or custom to the contrary notwithstanding.

ART. 11. The said corporation shall not directly or indirectly demand or receive, by way of discount or interest, a greater sum than six per centum per annum; *Provided*, that this article shall not be so construed as to prevent said bank from receiving a reasonable premium for exchange, in addition to interest or bills or notes payable at points beyond the State.

ART. 12. Dividends shall be declared and paid at such time as the directors may deem proper.

ART. 13. Should said corporation at any time suspend or refuse payment of any notes, bills, deposits or other obligations of said bank, the persons to whom said bank may be thus indebted shall be entitled to receive, from the time of such demand and refusal, interest at the rate of ten per centum per annum.

Bonus. SEC. 15. *Be it enacted*, That in consideration of the privileges granted by this charter, the bank agrees to pay to the State, annually, one-half of one per cent. on the amount of the capital stock subscribed and paid in.

SEC. 16. *Be it further enacted*, That the stockholders shall not sell or transfer their stock in the Ocoee bank, without the consent of three-fourths of the stockholders in said bank; and whenever any of said stock is sold or transferred, publication of the same shall be made immediately in two or more of the nearest newspapers to the bank in the State of Tennessee.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 25, 1854.



## CHAPTER CXCIX.

AN ACT to amend an act incorporating Hiwassee College in the county of Monroe.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed on the 23d of January, 1850, incorporating Hiwassee College in the county of Monroe, be so amended that seven of the trustees of said Institution, including the president, shall constitute a quorum competent to do any act necessary and proper to be done by said board of trustees, instead of a majority of all the trustees, as required in the act this is intended to amend, and that this act take effect from the passage thereof.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER CC.

AN ACT to incorporate the Hanner High School, in the county of Warren.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a high school be established on Hickory creek, in the county of Warren, to be known by the name and style of the Hanner High School, and to be under the supervision of the following named commissioners, to-wit: Thos. B. Springs, A. S. Conner, John Finger, John Swann, S. D. Doughty, Benjamin Sapps, John Charles, John Irvin, John L. Finger, Wm. D. Nelson, John L. Stubblefield, C. B. Davis, R. B. Biles, Thos. Rodes, John Jackson, John Bryant, Wm. P. Heckerson, Massa Hill, George M. Smartt, Absalem H. Reams, William Bosson, R. P. Burk, Samuel McSpedden, John J. Comer, James Northcut, Pearce B. Anderson, W. H. Coulson, John Russ, J. C. Garretson, John Cunningham, A. J. Biles, John Macon, which shall constitute a body politic with corporate existence, under the name and style of the Hanner High School, and shall have all the immunities and powers granted to colleges in this State similarly incorporated, and shall have continued succession of members.

SEC. 2. *Be it enacted*, That this act shall embrace all the powers, privileges and rights conferred upon the Andrew College by the act incorporating the same, passed January 24th, 1848; and the company incorporated by this act, may make the provisions of the act incorporating Andrew College their special rules governing the same.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER CCL.

AN ACT to incorporate the Forest Hill Female Academy in the county of Williamson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there be established in the county of Williamson, in said State, an institution of learning, having a corporate existence under the name and style of the Trustees of the Forest Hill Female Academy.

SEC. 2. *Be it enacted*, That the said institution shall be governed by seven trustees, who, and their successors, shall constitute a body politic and corporate, a majority of whom shall make a quorum for the transaction of business. The first board shall consist of Thomas F. Perkins, William P. Cannon, C. H. Kinnard, Samuel S. Morton, H. G. W. Maberry, Alexnader Grey, and Dr. H. Oden. All vacancies that may occur in their body, shall be filled by the board and entered upon the minutes. They may elect from their own body, a president, secretary and treasurer.

SEC. 3. *Be it enacted*, That the said board shall have power to employ all necessary teachers and lecturers, fix the rate of tuition, prescribe the course of study, make all necessary rules and regulations, hold real and personal estate by purchase, gift or devise, and sell or exchange the same as the interest of the institution may require; to sue and be sued, and have a common seal; to confer, if they think proper, in conjunction with the teachers, such literary degrees and diplomas as are usu-

al in female academies, and have and enjoy all other powers and privileges that are incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations relative to said academy, not being inconsistent with the constitution and laws of the State of Tennessee, and of the United States.

Sec. 4. *Be it enacted*, That said board shall have power to receive subscriptions of stock in said institution, in such sums, and upon such terms, as they shall in their by-laws designate and prescribe; and the property and assets of the institution shall be governed by the board, under such by-laws and regulations as they may, from time to time, establish.

Sec. 5. *Be it enacted*, That in the conveyance of real estate, or the transfer of claims or other assets, the name of the president of the board shall be sufficient, by order of said board, in each case.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 21, 1853.

## CHAPTER COII.

### AN ACT to incorporate the Edgefield Institute.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a corporation is hereby established under the name and style of the Edgefield Institute; and in that name capable of suing and being sued, pleading, or being impleaded in any court of law or equity in this State, in all kinds of actions and suits; to receive donations in money, lands, buildings, books, apparatus, &c., and to make purchases of property which shall inure to them and to their successors in office; and also to sell and dispose of the same, and to hold real and personal estate to the value of not more than one hundred thousand dollars; and to pass all such rules, regulations and by-laws as the said corporation may judge expedient and advantageous to said Institute. The said board shall have power to fill, from time to time, all vacancies which may occur in their number; and in general, all the powers which have been granted

to the trustees of the several female seminaries in this State.

SEC. 2. *Be it enacted*, That N. Hobson, G. P. Smith, J. B. McFerrin, A. P. McFerrin, B. H. Ragdale, Hugh Douglass and B. F. Weakley, be, and they are hereby authorized to appoint the time and place of the first meeting of said trustees, and to give due notice of the same.

SEC. 3. *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CCIII.

AN ACT to incorporate the Memphis Mercantile College.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a school for instruction in the various branches of science, pertaining to mercantile and commercial pursuits, in mathematics, with surveying and civil engineering, and in architectural drawing, is hereby incorporated under the name and style of the "Mercantile College of Memphis;" by which name, said college shall be able and capable in law, of suing and being sued, of pleading and being impleaded, of taking and holding property, real and personal, for the purposes of its incorporation, and of disposing thereof; of having and using a common seal, and of altering the same at pleasure; and of doing all and singular, such matters, acts and things as may tend to the advancement of the above named branches of education.

SEC. 2. *Be it enacted*, That said college shall be governed by five trustees, any three of whom shall be a quorum for the transaction of all business of the corporation; said trustees may organize for the transaction of business in such manner and by such by-laws as to them may seem proper; they shall continue their succession by appointments of their own, whenever any vacancy may occur in their number; the first five trustees shall be the following persons: Joseph Lenow,

John W. Fowler, James Elder, J. H. Speed and B. Carpenter.

SEC. 3. *Be it enacted*, That the board of instruction may, under such regulations as the trustees shall make, grant such certificates and diplomas, under the corporate seal and signature of the board of instruction, as are granted by similar institutions in the United States.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 2, 1854.

## CHAPTER CCIV.

AN ACT to incorporate the Dover Female Academy, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That I. E. Rice, S. W. Kelly, A. W. Wall, C. H. Hatcher, J. W. Roberts, Joel Bayliss, C. Dudley, W. C. Cook, and R. T. David, be, and they are hereby constituted a body politic and corporate by the name of the trustees of the Dover Female Academy; and by that name shall have perpetual succession, and a common seal; and the said trustees and their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold to themselves and their successors forever, or for any less estate, any lands, tenements, goods or chattels, which may be given, granted or devised to them or the institution, or purchased by them for the use of said academy, and to use and dispose of the same in such manner as to them shall seem most advantageous for the use of said academy; and said trustees and their successors, by the corporate name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

SEC. 2. *Be it enacted*, That the trustees aforesaid, and their successors, shall have power to hold such meetings at such times and places as may be agreed upon from time to time, by a majority of the board; to appoint a president of their own body, and a secretary and treasurer, either of their own body or as they may think most desirable, and to fill all vacancies that may hap-

Powers of  
board.

pen in said board, by death, resignation, removal, failure or refusal to act, or otherwise; but not less than three members shall constitute a quorum to transact any business relating to the interest, management or government of said institution.

SEC. 3. *Be it enacted*, That it shall be the duty of the Secretary of said board to keep a correct journal of all the meetings and official acts of said board, to note the absentees, and said board shall have power, a majority concurring and voting therefor, to declare vacant the seat of any member who shall have failed to attend the meetings, and to proceed immediately to fill such vacancy.

SEC. 4. *Be it enacted*, That said board of trustees shall have power to make such by-laws, rules and regulations relating to said academy and the government thereof, and the government of their own proceedings, as a majority of them may deem right and proper, provided they shall not be inconsistent with the laws and constitution of this State, or of the United States.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 10, 1854.

## CHAPTER CCV.

AN ACT to incorporate a Female Academy in South Nashville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William T. Berry, James A. Woods, Joseph Vault, A. W. Putnam, Alexander Fall, West H. Humphreys, Aaron V. Brown, John Trimble, Andrew Ewing, Felix R. Rains, C. K. Winston, Russell Houston, John B. Lindsley and Isaac Paul, and such other citizens as may become subscribers and stockholders, be incorporated under the name and style of the South Nashville Female Academy, and be authorized to establish a female academy within the corporate limits of South Nashville, with all the rights and privileges now vested in the president and directors of the

Nashville Female Academy, by an act of the general assembly, passed in the year 1817.

SEC. 2. *Be it enacted*, That there shall be established in the village of Goodlettsville, Davidson county, State of Tennessee, an institution of learning, which is hereby incorporated by the name and style of the trustees of the American High School.

SEC. 3. *Be it enacted*, That said institution shall be a joint stock company; the stock therein to be divided into shares of \$25 each; and that the same shall be governed by eighteen trustees, who shall be elected by the stockholders; the first board of trustees shall be John A. McEwen, Wm. M. Dismukes, P. T. Rascoe, L. H. Grizzard, H. A. Grizzard, E. P. Connell, Jos. A. Bowman, H. Kirkpatrick, J. C. Bowers, Wm. Connell, J. H. Cartwright, J. B. McFerrin, Dr. D. W. Yandle, J. C. Crossway, I. R. Kirkpatrick, I. L. Hadley, and ——— McMillen, who shall hold their office until the first election, which shall take place on the first Monday in January, and until their successors are elected and installed; the six trustees first named in the list shall go out of office and their places filled by election of stockholders; and thus, from year to year, in the order of the names as they stand in this list, six shall go out of office annually, whose places shall be filled as aforesaid; and five of said trustees shall constitute a quorum to do business. All vacancies that occur may be filled by the board until their next annual election. The stockholders may, in all elections, vote in person or by proxy, each share of stock representing one vote.

SEC. 4. *Be it enacted*, That said board of trustees, and their successors in office, elected as aforesaid, shall be, and they are hereby declared and established to be a body politic and corporate, by the name and style of the American High School; by which name and style, may sue and be sued, plead and be impleaded; have and use a common seal; hold personal and real estate by purchase or otherwise, and sell and convey the same, and make all by-laws for the government of said institution, and the same alter or amend at pleasure, by a vote of two thirds of their number; employ all necessary teachers and lecturers, shall fix the compensation of the same, and terms of tuition. *Provided*, the by-laws and regulations are not inconsistent with the constitution and laws of the State and United States.

SEC. 5. *Be it enacted*, That the said board of trustees, in conjunction with the teachers, who shall constitute the faculty, may confer all the degrees of literary distinc-

tion which can be conferred by other institutions in the United States. The trustees and faculty shall also have power to prescribe the course of studies of the students in said school, and to suspend, reprimand, dismiss or expel any student for violations of the by-laws of the same.

**Powers of board.** SEC. 6. *Be it enacted*, That the board of trustees shall have power to fix their own meetings, elect their president, secretary and treasurer; and it shall also be their duty to attend the public examination of the students, and publish annually, a report of the progress of the institution, giving the names of the officers and trustees, the number of students, and every thing which they may deem necessary to promote the cause of education.

**Capital stock and dividends.** SEC. 7. *Be it enacted*, That the capital stock of this company may amount to one hundred thousand dollars, and the corporation may exist for ninety-nine years, unless upon a vote of the stockholders they should think fit to dissolve it; in which case a majority of two-thirds of all the votes shall be necessary to effect that end; and in case of such dissolution, each stockholder shall be entitled to a *pro rata* dividend of whatever property shall be owned by said corporation, according to his or her stock in the same.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, January 30, 1854.

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## CHAPTER CCVI.

AN ACT to incorporate the trustees of Oakland Female Institute, in the county of Davidson, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel M. Allen, Charles W. Moorman, Wm. B. Ewing, William W. Searcy, Jos. E. Manlove, George C. Cantrell and James Yarbrough, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Trustees of Oakland Female Institute," situated in the county of Davidson, and shall have perpetual succession, and be capable in law to purchase, receive and hold to them-



selves and their successors, any lands, tenements, goods and chattels, which may be given, granted or devised to them, or purchased for the use and benefit of said Institution, and to appropriate and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of said Institute. And the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

SEC. 2. *Be it enacted*, That the trustees aforesaid, and their successors, shall have power to hold such meetings <sup>Powers of board.</sup> at said Institute at such times as may be agreed upon from time to time by a majority of the board of trustees aforesaid; to elect a president, secretary and treasurer, from their own body, and to fill all vacancies that may happen by death, resignation or otherwise; but not less than three members shall constitute a quorum to transact any business relating to the management, interest or government of said Institute.

SEC. 3. *Be it enacted*, That said trustees may have a common seal, and may, if they think proper, in conjunction with the teachers, confer such literary degrees and diplomas <sup>May confer degrees.</sup> as are usual in female academies; and have and enjoy all other powers and privileges that are incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations relative to said Institute, not being inconsistent with the constitution and laws of the State of Tennessee or of the United States.

SEC. 4. *Be it enacted*, That there be established at or near Ripley, in the county of Lauderdale, in said State, <sup>Ripley Female Academy.</sup> an institution of learning, having a corporate existence under the name and style of the Trustees of the Ripley Female Academy.

SEC. 5. *Be it enacted*, That the said Institution shall <sup>Trustees.</sup> be governed by five trustees, who, and their successors, shall constitute a body politic and corporate, a majority of whom shall make a quorum for the transaction of business. The first board shall consist of Hiram Partee, Isaac M. Steele, P. T. Glass, Edmond Fitzpatrick, and R. F. Maclin. All vacancies that may occur in their body shall be filled by the board, and entered upon the minutes. They may elect from their own body a president, secretary and treasurer.

SEC. 6. *Be it enacted*, That said board shall have power to employ all necessary teachers and lecturers, fix the <sup>Powers of board.</sup> rate of tuition, prescribe the course of study, make all necessary rules and regulations, hold real and personal

estate by purchase, gift or devise, and to sell or exchange the same as the interest of the institution may require; to sue and be sued, and have a common seal; to confer, if they see proper, in conjunction with the teachers, such literary degrees and diplomas as are usual in female academies; and have and enjoy all other powers and privileges that are incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations relative to said academy not being inconsistent with the constitution and the laws of the State of Tennessee or of the United States.

**SEC. 7.** *Be it enacted,* That said board shall have power to receive subscriptions of stock in said Institution in **Stock.** such sums and upon such terms as they shall in their by-laws designate and prescribe; and the property and assets of the institution shall be governed by the board under such by-laws and regulations as they may from time to time establish.

**SEC. 8.** *Be it enacted,* That in the conveyance of real estate or the transfer of claims or other assets, the name of the president of the board shall be sufficient by order of said board in each case.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 23, 1854.

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## CHAPTER CCVII.

An ACT to incorporate Marion Collegiate Institute, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That J. M. D. Cates, J. R. Taylor, N. M. Taylor, J. B. Armstrong, M. D., Rezin Fowler, Jno. Ward, D. B. Smith, C. R. Davis, J. P. Gandy, Candor McFaddin, Jno. Hollis, S. C. Odom, Mathew Wilson, Nathan Hayes, H. L. Rucks, S. J. Mitchell, Moses Fite, Thos. Fisher, Thos. Stokes, and J. M. Prater, and their successors in office, be, and are hereby constituted a body corporate and politic, under the name and style of the Trustees of Marion Collegiate Institute at Marion, Cannon county, Tennessee; and under this name and style shall have full power and authority to

sue and be sued, plead and be impleaded, to use a common seal, and change the same at pleasure ; to purchase, receive by donations, enjoy and possess estate, real and personal, and dispose of the same at will.

SEC. 2. *Be it enacted*, That any property whatever, possessed by said corporation of Marion Collegiate Institute, shall be exclusively devoted to the purposes of education.

SEC. 3. *Be it enacted*, That upon the death, resignation or removal of [one or more of] said trustees, the vacancy or vacancies shall be filled by the remaining trustees, a quorum being present.

SEC. 4. *Be it enacted*, That the trustees and such faculty as they may choose, shall have full power and authority to confer such degrees and literary honors as are usually conferred in colleges and literary institutions, and to grant diplomas under the seal of the Institute, signed by the faculty and at least five of the trustees of said institution.

SEC. 5. *Be it enacted*, That five of said trustees shall constitute a quorum, and the president shall have power to convene them after a notice of five days. Quorum.

SEC. 6. *Be it enacted*, That the land on which said institution is located, together with the fixtures, apparatus and improvements, shall be exempt from taxation, both for State and county purposes.

SEC. 7. *Be it enacted*. That James A. Clark, Pleasant H. Price, Wm. C. Wilkinson, Isaac M. Wilkinson, John G. Willis, William H. Willis, Wade H. Pully, and the heirs of Smith Blaxton, deceased, and such others as may be, or may hereafter become stockholders, are hereby constituted a body politic and corporate, under the name and style of the stockholders of the Pleasant Plains Male and Female Institute of Coffee county ; and shall have power to sue and be sued, plead and be impleaded, in any court of law or equity in this State, and have a common seal ; and shall have all legal powers and capacities, through or by their trustees, to buy, receive, pass, hold, dispose of, and convey any property, either real or personal, for the use of said institute. Pleasant Plains  
Male and Female  
Institute.

SEC. 8. *Be it enacted*, That the trustees shall have power to make such by-laws for the government of said institute, as they may think proper ; *provided*, they are not inconsistent with the constitution and laws of this State, and of the United States.

SEC. 9. *Be it enacted*, That the building and lot of said institute shall be exempt from taxes, and that said

stockholders shall have power to change the name of said institute, to appoint a president, secretary and treasurer, and to fill all vacancies that may happen.

SEC. 10. *Be it further enacted*, That James A. Yewell and R. K. Kercheval be, and they are hereby authorized to sell the female academy lot and buildings, in the town of Lewisburg, on a credit of twelve months, taking approved security for the purchase money; and that they be further authorized to make a title to the purchaser or purchasers; and when the purchase money shall be paid over to them, the same they shall pay over to the treasurer of the "Judson Female Institute of Tennessee," to be applied by said institute to the liquidation of its liabilities, or to the general purposes of its institution, and to no other purpose whatever; *Provided*, that if said institute should be removed from the town of Lewisburg, or in any way whatever dissolved or broken up, then, and in that case, the proceeds of said academy lot and buildings shall revert to the corporation of Lewisburg; *and provided further*, that before the said Yewell and Kercheval shall be authorized to sell said academy lot and buildings, a majority of the qualified voters of the corporation of Lewisburg shall authorize them so to do, upon an election held by the sheriff, after having given ten days notice in writing, stating the purpose and object of the election.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER CCVIII.

AN ACT to incorporate the Trustees of the Dyersburg Female Academy, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Dyer Male Academy, in the county of Dyer, be divided into two branches, one for the education of the males, and one for the education of the females of the said county, to share equally in the fund now on hand, or in any monies hereafter to be drawn from the treasury of the State for the use of said Dyer male academy.

**SEC. 2. *Be it enacted,*** That the following named persons be appointed in the room and stead of the present board of trustees, viz: James H. Dayle, S. Richardson, S. D. Whitten, A. G. Pierce, Samuel Gillespie, G. R. Mulherrin, W. A. Dawson, Thomas J. Connell, Asa Fowlkes, T. D. Woods, C. H. Ledsinger, and F. G. Sampson; and that they have and exercise all the powers of the present trustees of the Dyer academy, and that the title of the ten acres of land now occupied by the male academy, be vested in them and their successors forever.

Trustees.

**SEC. 3. *Be it enacted,*** That the said trustees of the Dyer male academy, shall have full power to purchase, receive and hold real and personal property, for the use of said institution.

**SEC. 4. *Be it enacted,*** That this act shall take effect immediately from and after its passage.

**SEC. 5. *Be it further enacted,*** That the Centreville Male Academy, in the county of Hickman, be divided into two branches; one for the education of the males, and the other for the education of the females of the said county, and to share equally in the funds now on hand, or in any monies hereafter to be drawn from the treasury of the State, for the use of the said Centreville male academy.

Centreville  
Male Acad'my.

**SEC. 6. *Be it enacted,*** That the following persons be appointed trustees of said academy: James D. Easley, Troy S. Broom, S. H. Williams, Charles Johnston, and W. G. Claggett.

Trustees.

**SEC. 7. *Be it enacted,*** That so much of the act passed 19th Dec., 1849, as may be inconsistent with the present act, be repealed, and that this act take effect immediately from and after its passage.

**SEC. 8. *Be it enacted,*** That the Charlotte female academy is hereby constituted a branch of Troy academy, in the county of Dickson.

Charlotte Fe-  
male Acad'my.

**SEC. 9. *Be it further enacted,*** That Wilson J. Matthews, W. A. James, and Thomas McNealy, be, and they are hereby appointed additional trustees of Tracy academy.

Tracy Acade-  
my.

**SEC. 10. *Be it further enacted,*** That the funds of Tracy academy shall be equally divided between the two branches of the said academy.

**SEC. 11. *Be it enacted,*** That the Linden male academy, in the county of Perry, be divided into two branches; one for the education of the males, and the other for the education of the females of said county, and to share equally in the funds now on hand, or in any monies here-

Linden Male  
Academy.

after to be drawn from the treasury of the State for the use of the said Linden male academy.

**Trustees.** SEC. 12. *Be it enacted*, That the following persons be appointed trustees of said academy: Thos. W. Edwards, Joseph Brown, F. H. Williamson, John L. Webb, Joseph Brown, and W. B. Barfield.

**Decaturville Male Acad'my.** SEC. 13. *Be it enacted*, That the Decaturville male academy, in the county of Decatur, be divided into two branches; one for the education of the males, and the other for the education of the females of said county, and to share equally in the funds now on hand, or in any monies hereafter to be drawn from the treasury of the State for the use of the said Decaturville male academy.

**Trustees.** SEC. 14. *Be it further enacted*, That the following persons be appointed trustees of said academy: L. Kelly, Amon Yarbrow, Samuel Yarbrow, D. E. A. McElrath, Elisha Stephens, and Jesse Taylor.

**New Boston Academy.** SEC. 15. *Be it enacted*, That there is hereby established an academy at New Boston, in the county of Henry, called New Boston Academy, to have and possess all rights, claims, advantages and immunities which, by any of the existing laws of the State, are allowed to any of the academies in this State.

**Trustees and powers.** SEC. 16. *Be it further enacted*, That Jeremiah Dumas, T. L. Daniel, B. T. Bowden, J. William Johnson, E. P. Bates, D. W. Jones, Leroy Olive, Charles Brooks, and M. S. Howard, are hereby appointed trustees of said academy, and constituted a body politic and corporate; may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere; and said trustees, by the name aforesaid, shall be capable in law or otherwise to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattels, which shall be given, granted or devised to them, or purchased by them for the use and benefit of said academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper, for the use and benefit of said academy.

SEC. 17. *Be it enacted*, That said trustees and their successors, shall have power to hold such meetings, at such times and places as may be agreed upon, from time to time, by a majority of the trustees aforesaid; to appoint a president, directors, and a treasurer of said board. Not less than five members of said board shall constitute a quorum to do business relative to the management, interest or government of said academy. And

a majority of said trustees shall have the power to fill all vacancies that may occur by death, resignation, or otherwise.

SEC. 18. *Be it enacted*, That said board of trustees shall have power to make such by-laws, rules and regulations relating to said academy, and the government thereof, and their own proceedings, as a majority of said board may deem right and proper; *Provided*, they are not inconsistent with the constitution and laws of the United States, and of the State of Tennessee.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER CCIX.

**AN ACT to charter the Odd Fellows' Female High School at Jonesborough, and for other purposes.**

WHEREAS, the trustees of the Jonesborough Female Academy, in the town of Jonesborough and county of Washington, have heretofore transferred and conveyed to the Jonesborough Lodge, No. 40, of the Independent Order of Odd-Fellows, the land and buildings, situate in the west end of said town, on Main street, adjoining the lands of Joseph Rhea and others, and all the apparatus belonging to the said female academy, for the purpose of better promoting the cause of female education.

SECTION 1. *Be it therefore enacted by the General Assembly of the State of Tennessee*, That the said transfer and conveyance is hereby ratified and confirmed, and that the title to the premises in the conveyance of said trustees to said Independent Order of Odd-Fellows mentioned, is hereby vested in the said Independent Order of Odd-Fellows, and their successors, for the purposes in said deed specified.

SEC. 2. *Be it further enacted*, That for the purposes of more effectually carrying out the object of said transfer and conveyance, the said Jonesborough Lodge, No. 40, <sup>Trustees.</sup> I. O. O. F., be, and they are hereby constituted trustees of the Odd-Fellows' Female High School at Jonesborough; and that, as said trustees, they shall have a com-

mon seal, which they may break, alter or amend at pleasure; may sue and be sued, and shall be capable in law or equity to purchase, receive or hold to them and their successors; and in like manner to sell, convey or mortgage any or all property, real, personal or mixed, for the use and benefit of the said high school.

SEC. 3. *Be it enacted*, That said Independent Order of Odd-Fellows shall have full power and authority to make, contract, and do every thing which may become necessary or expedient in constructing additional buildings for the purpose of said school, and for enclosing and improving the grounds belonging thereto.

General powers.

SEC. 4. *Be it enacted*, That the said I. O. O. F. shall also have power to employ all necessary teachers, fix the rate of tuition, prescribe the course of study, and confer upon such pupils as may have finished the prescribed course, diplomas; and upon others such certificates of scholarship as, upon the recommendation of the teachers, they may be adjudged entitled to; and shall have and exercise all other powers and privileges that are incident to, or conferred upon, other literary institutions.

SEC. 5. *Be it enacted*, That in the sale and conveyance of property belonging to said I. O. O. F., for the use and purposes of said school, it shall be sufficient to make the conveyance valid that it be signed by the presiding officer and the secretary of the Lodge.

Time of elections and quorum.

SEC. 6. *Be it further enacted*, That the second section of an act passed 26th February, 1852, chap. 273, be so amended as that the election for trustees of said institute be held annually on the first Wednesday, instead of the first Monday in January; and the fourth section of said act be so amended that five trustees shall constitute a quorum for the transaction of business, whose power shall be full and ample for the transaction of all business which shall come before them.

Masonic Female Institute.

SEC. 7. *Be it further enacted*, That Whiteside Lodge, No. 13, York Masons, in Blountville, Sullivan county, Tennessee, be, and the same are hereby created a body corporate and politic, by the name and style of the Masonic Female Institute, and shall be capable in that name, to purchase, receive and hold any property, real, personal or mixed, which may be given, granted, sold, conveyed or devised to them for the use and benefit of the institute; and to use and dispose of the same as they may think best for the benefit thereof; and by the name aforesaid, sue and be sued, plead and be impleaded in any court of law or equity.



SEC. 8. *Be it enacted*, That Samuel Snapp, R. P. Fickle and R. P. Hambleton, officers of Whiteside Lodge, No. 13, and their successors in office, shall be managers <sup>Managers.</sup> of the said Masonic Female Institute; and shall have power to hold meetings at such time and places as they may see proper; to make by-laws, and to do all other acts consistent with their duties as such managers. Vacancies in their body, caused by death, resignation or otherwise, shall be filled by the Lodge, from their body, by election, who shall hold their offices until they shall have elected a board of trustees to preside over said institution; which election to be held on the first Monday of June, annually.

SEC. 9. *Be it enacted*, That the trustees of the Masonic Female Institute, shall have power to employ all necessary teachers, fix the rate of tuition, prescribe the course of study, and confer upon such pupils as may have finished the prescribed courses, diplomas; and upon others such certificates of scholarship as, upon the recommendation of the teacher, they may be adjudged entitled to; and shall have and exercise all other powers and privileges that are incident to, or conferred upon other literary institutions. <sup>Power of Trustees.</sup>

SEC. 10. *Be it enacted*, That the trustees of Jefferson academy, in said county of Sullivan, are hereby authorized and empowered to call in two thousand dollars of the interest due and owing to said academy, and hand over to the officers of Whiteside Lodge, No. 13, one thousand dollars, which shall be expended in the erection of the edifice, and that the said trustees appropriate the remaining one thousand dollars, when collected, to the procuring a chemical, astronomical apparatus, musical instruments, and such other things as the trustees of the Masonic Female Institute may direct. <sup>Jefferson Academy.</sup>

SEC. 11. *Be it enacted*, That said corporation shall be governed in all things, not herein expressed, by the constitution, and such by-laws, rules and regulations, as the managers or trustees, from time to time, may adopt.

SEC. 12. *Be it further enacted*, That the academy <sup>Sullivan county Academy fund.</sup> fund belonging to Sullivan county, be equally divided between the Jefferson Male Academy, and the Masonic Female Institute.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 16, 1854.

## CHAPTER CCX.

AN ACT to incorporate the Memphis College of Chemistry and Pharmacy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Professors John Milton Saunders, —, their successors and assigns are hereby created a body corporate and politic, by the name and style of the "Memphis College of Chemistry and Pharmacy," and shall be capable in that name, to purchase, receive and hold any property, real, personal or mixed, which may be given granted, sold, conveyed or devised to them, for the use and benefit of said college, and to use and dispose of the same as they may think best for the benefit thereof; and by the name aforesaid, to sue and be sued, plead and be impleaded in any court of law or equity.

SEC. 2. *Be it enacted*, That said college shall possess all the rights, privileges, liberties, exemptions, dignities and immunities, enjoyed by any literary or scientific institution in the United States.

Powers of  
Faculty.

SEC. 3. *Be it enacted*, That the faculty shall have full power and authority to prescribe the course of practice and study, and to enact by-laws, rules and regulations for the government of the college, *provided* they do not conflict with the laws of the United States and the State of Tennessee; and they shall have full power and authority to confer the degrees of Bachelor and Master of Arts, or any other degrees usually granted by colleges and universities in this country, upon any students or any other persons who may possess the requisite moral and intellectual attainments; and which diplomas shall entitle their possessors, respectively, to all the immunities and privileges which, either by usage or by statute, are allowed to possessors of similar diplomas; shall be signed by the professors, and by the president of the college, and shall have the seal of the college attached to them.

Vacancies.

SEC. 4. *Be it enacted*, That should any member, constituting the corporate body of this college, die or resign, his place shall be supplied by selection by the remaining members, by and with the consent of the faculty, and two of these members shall constitute a quorum to do business.

Professors.

SEC. 5. *Be it enacted*, That said corporation shall have a succession of ninety-nine years; shall have a common seal, and shall possess the power to elect the professors, say, a professor of General Chemistry, Chemical

Analysis and Toxicology, a professor of Geology, a professor of Chemical Technology and Mineralogy, a professor of Pharmacy, or any other professor that the progress of Science may require. This corporation shall likewise have the power to elect one of their members, or one of the faculty, Dean of the college, from the same.

Sec. 6. *Be it enacted*, That the course of study in this college shall be thoroughly practical; students shall be required to work in the laboratory from four to eight hours each day, the Sabbath excepted. They shall acquire a thorough practical knowledge of chemical analysis, in its relation to soils, ores, minerals, mineral waters, vegetable and animal substances, and the secretions and excretions of the human body, both in their physiological and pathological conditions, &c. They shall, themselves, manufacture in the laboratory, on a large scale, all the various chemical and pharmaceutical preparations used in the arts and in medicine, as prepared in extensive manufacturing laboratories; they shall make all the investigations required in Chemistry and Toxicology; shall acquire a complete knowledge of the detection of all the poisons, nutrisations, the preparation of their antidotes, &c. And in conclusion, no student shall have conferred upon him the degree of Master of Arts, in all their theoretical and practical details. All property, real or personal, which said corporation may acquire and devote to said college, shall be free from taxation for ninety-nine years.

Various scientific technicalities.

Sec. 7. *Be it enacted*, That in order that the course of study may not be interrupted, the faculty and students of said college shall be exempt from militia duty and jury services.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 2, 1854.

## CHAPTER CCXI.

AN ACT to incorporate the Shelbyville Male High School of the Tennessee Conference, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. A. Blakemore, T. B. Cannon, W. H. Crutcher, W. S. Jett, L. B. Knott, Thomas Lipscomb, Robert H. Majors, George W. Ruth and R. H. Sims, and their successors in office, be, and they are hereby constituted a body corporate and politic, by the name and style of the trustees of the Shelbyville Male High School of the Tennessee Conference, and by that name and style shall have full power and authority to have and to use a common seal, and the same to break, alter or amend at pleasure, to sue and be sued, plead and be impleaded, in any of the courts of law or equity in this State.

Joint stock. SEC. 2. *Be it further enacted*, That said Institution shall be gotten up upon the joint stock principle, twenty-five dollars constituting a share, which the trustees or any number of them may own upon such conditions and restrictions as may be agreed upon by themselves; and any portion of said fund may be subscribed as stock purchased, received as donations, or otherwise, as the trustees may determine.

Vacancies. SEC. 3. *Be it further enacted*, That upon the death, resignation or removal of any one or more of said trustees, the vacancy or vacancies thereby occasioned, shall be supplied by the remaining trustees, a quorum of the same being present. *Provided*, no election for this purpose shall be held until due notice shall have been given to each trustee of the time and place of such election. *Provided, further*, that two-thirds of the board of trustees shall consist of members of the Methodist Episcopal Church, South.

Powers. SEC. 4. *Be it further enacted*, That said board of trustees shall appoint one of their number president of the board, and also a secretary and treasurer, and shall have full power to proceed to the erection of the school buildings; to purchase apparatus, and to make all necessary arrangements for the speedy commencement of the teaching exercises in said school and that any five of said trustees shall constitute a quorum for the transaction of business.

Election of officers. SEC. 5. *Be it further enacted*, That said trustees shall have full power and authority to elect a president of the said school, who shall be *ex officio* a member of the board

of trustees, and also such professors, tutors and other officers in said school as they may deem necessary, to fix their respective salaries; and to make such by-laws and regulations as in their opinion may be deemed expedient and necessary for said school; *provided*, the same be not inconsistent with the constitution and laws of this State or those of the United States.

**SEC. 6.** *Be it further enacted*, That the land on which said school shall be situated, together with the buildings, school fixtures and apparatus of said corporation, shall be exempt from taxation, both for State and county purposes, and also exempt from tax by the corporation of the town of Shelbyville. Exempt from taxation.

**SEC. 7.** *Be it further enacted*, That Rev. R. G. Kimbrough, Rev. I. V. Vanderver, S. B. Marsh, and James S. Haynes, of Giles; Rev. G. W. McKnight, Allen Richardson, B. H. Caldwell and Y. S. Pickard, of Maury; Rev. E. W. Benson, of Williamson; and Col. J. R. Hill, W. B. Holden, C. W. Black, James A. Yowell, H. B. Welch and Rev. L. Lincoln, of Marshall county, and their successors, be, and they are hereby constituted a body politic and corporate by the name and style of the Trustees of the Judson Female Institute of Tennessee, and shall have perpetual succession; and are invested with all legal powers and capacities to buy, receive, possess, hold, dispose of, alien and convey any property, either real or personal, for the use and benefit of said Institution; shall have a common seal; may sue and be sued, and do whatever may by them be deemed necessary for the advancement of learning in said Institution. Judson Female Institute.

**SEC. 8.** *Be it enacted*, That said board of trustees shall have power to fill all vacancies that may occur in their body from death, resignation, or otherwise; to declare the seat of any member vacant who may fail to attend their meetings for a year together, or who may commit any act calculated to impair the credit, or otherwise injure the Institution. Vacancies.

**SEC. 9.** *Be it enacted*, That said board of trustees may, from time to time, make such by-laws and ordinances for the government and well being of the Institution, consistent with the laws and constitution of the United States and of the State of Tennessee, as they may deem necessary and proper; to elect a faculty and empower the same to take charge of the several departments of learning, and fix their salaries; to adopt such measures as may be expedient to increase the funds and property of the Institution, and shall convene once at

least during each session, and as often as the presiding officer may think proper to call meetings, of which at least ten days' notice shall be given to each member of the board; and seven members of said board may constitute a quorum to transact business.

**SEC. 10.** *Be it enacted,* That the faculty, with the advice and consent of the board of trustees, shall have full power and authority to confer upon any student in said Institution, any degrees and honors usually conferred in any female institute or college in this State or the United States.

Confer degrees

**SEC. 11.** *Be it enacted,* That the buildings and lot already acquired, and such property as may hereafter be possessed, shall be, and remain for the use of said Institution, and for the advancement of learning and morals, and shall not be diverted to any other use or purpose.

Exempt from  
taxation.

**SEC. 12.** *Be it enacted,* That the lot on which said female institute is situated, together with the buildings, school fixtures and apparatus, shall be exempt from taxation, both for State and county purposes, and also exempt from tax by the corporation of the town of Lewisburg.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 9, 1854.

## CHAPTER CCXII.

AN ACT to incorporate the Odd Fellows' Association of Knoxville, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Azro A. Barnes, A. L. Maxwell, jr., Rufus M. McPherson, W. C. Kain, S. A. White, James Rodgers, Jno. E. Helms, M. W. Williams, A. M. Piper, P. Fatio, A. Lowry, F. F. Atwell, S. T. Atkin and their associates, be, and they are hereby constituted a body corporate and politic, by the name and style of the "Odd Fellows' Building Association of the City of Knoxville, with power by that name to sue and be sued, to plead and be impleaded, to answer and be answered unto, in any court or courts, and in all kinds of suits and

actions ; and to make and have a common seal, and the same to alter or renew at pleasure ; and generally to do and perform all acts and things which bodies corporate may lawfully do, for the purposes hereinafter named.

SEC. 2. *Be it enacted*, That the capital stock of said association shall consist of the aggregate amount already subscribed by the corporators aforesaid, to be held by them respectively, in proportion to their several subscriptions, in shares of twenty-five dollars, and that said stock may be increased by new subscriptions in shares of a like amount, to any sum in the aggregate not exceeding twenty thousand dollars. Capital stock.

SEC. 3. *Be it enacted*, That said association shall have power to purchase and hold, rent and lease real and personal property to the amount of their capital, to sell, exchange or mortgage the same ; to contract loans, to execute bonds, and to do every thing which may be necessary or expedient to erect, complete and keep up a building or buildings in the city of Knoxville, for the benefit of said association.

SEC. 4. *Be it enacted*, That said association shall meet in Knoxville on the first Monday of March next, and upon the first Monday of March in each and every year thereafter ; and shall elect five directors from the stockholders, who shall hold their offices for the term of one year, and until their successors are elected. The directors shall, by ballot, elect a president from their own body, and upon his death, resignation, or removal from Knoxville, may elect another in his place ; may fill all vacancies in their own body ; and may, from their own body, or from the stockholders, by ballot, elect a secretary and treasurer, and may appoint all necessary officers or agents, under such provisions restrictions and compensation as may to them seem expedient and proper. They shall keep a record of their proceedings, which shall at all times be subject to the inspection of the members of the association ; and a majority of directors shall be a quorum for the transaction of business. Election and powers of directors.

SEC. 5. *Be it enacted*, That the said directors shall have power to make by-laws, rules and regulations for the government of said association, not inconsistent with the laws of the land. They shall have the general management and control of the buildings and business of the association ; they shall prescribe the method by which the members of the association may transfer their stock, and may make and enforce provisions for forfeiting the stock of subscribers who fail or refuse to General powers.

pay their subscriptions, and collect all sums due on such forfeited stock. They may make all necessary contracts, by vote, and by written instruments executed by any officer or agent, duly authorized by the board of directors for that purpose, and attested by the seal of the corporation.

Dissolution and  
distribution.

SEC. 6. *Be it enacted*, That the stockholders at any regular meeting, or at any meeting called by the president or by the board of directors, of which thirty days' notice shall have been given, by publication in any newspaper in the town of Knoxville, may, by a majority of two-thirds of all the votes of the association, direct all the property of the corporation to be sold, upon such terms and conditions as may seem best, and the proceeds to be distributed to the stockholders in proportion to their stock. *Provided*, that such distribution shall not be made until all the debts due from said association to others, shall be fully paid and liquidated, and such distribution, when accomplished, shall work a dissolution of the body corporate hereinafter created. In every meeting of the stockholders each stockholder shall have one vote for every share of twenty-five dollars owned by him; and any number of stockholders, holding a majority of the stock, regularly met, and present in person or by proxy, shall constitute a quorum to do any business except to dissolve the corporation.

Odd Fellows'  
Hall Association  
of Nashville.

SEC. 7. *Be it enacted*, That E. A. Raworth, E. Morton, E. R. Glascock, H. N. Myers, T. T. Smiley, John W. Ratcliffe, E. D. Farnesworth and Geo. W. Cunningham and their associates, be, and they are hereby constituted a body corporate and politic by the name and style of "The Odd Fellows' Hall Association of the City of Nashville," with power, by that name, to sue and be sued, to plead and be impleaded; answer and be answered unto in all kinds of suits and actions; and generally to do and perform all other acts and things which bodies corporate may lawfully do, for the purposes hereinafter named.

SEC. 8. *Be it enacted*, That the said association shall have power to purchase and hold real and personal property to the amount of forty thousand dollars; to sell, exchange or mortgage the same; to contract loans, and do every thing which may be necessary or expedient in building, completing and furnishing an Odd Fellows' Hall, for the benefit of the association, or for public benefit, as they may desire.

SEC. 9. *Be it enacted*, That the said Odd Fellows' Hall Association shall meet on the first Monday in March



next, and ever afterwards on the first Saturday in January in each and every year thereafter, and elect seven directors, who shall hold their offices for the term of one year, and until their successors are elected. The said directors shall elect a president from their own body, and in his absence, or upon his resignation, death or removal, may elect another in his place; may supply all vacancies in their body, and may appoint a secretary and treasurer, and all necessary officers or agents under such restrictions and provisions as to them may seem expedient; they shall keep a record of their proceedings; and a majority of the directors shall be a quorum to transact business.

Sec. 10. *Be it enacted*, That said directors shall have power to make by-laws for the government of the said association, not inconsistent with the laws of the land; <sup>Power of directors.</sup> they shall have the general management and control of the business of the association; and may make all necessary contracts, which shall be done by vote, and by written instruments, signed or executed by any officer or agent duly authorized by the board of directors for that purpose. The board of directors shall prescribe the method by which the several members of the association may transfer their stock, and make provisions for forfeiting the stock of subscribers who may fail or refuse to pay their subscriptions according to the regulations or requirements of the directors.

Sec. 11. *Be it enacted*, That the act passed January 30th, 1844, entitled "an act to incorporate the Mechanics' Library Association of the city of Nashville, be, and the same is hereby so amended, that the said incorporation shall hereafter be known by the name and style of the "Mechanics' Library Association and Institute of the State of Tennessee," and under that name, shall be entitled to all the privileges secured to the Mechanics' Library Association by the act which this is intended to amend. <sup>Mechanics' Library Association and Institute of the State of Tennessee.</sup>

Sec. 12. *And be it further enacted*, That the said act of incorporation is hereby further amended, so that the capital stock of said Institute may be increased to any sum not exceeding fifty thousand dollars.

Sec. 13. *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,  
Speaker of the House of Representatives.  
EDWIN POLK,  
Speaker of the Senate.

Passed, February 14, 1854.

## CHAPTER CCXIII.

AN ACT to incorporate the Tazewell Female Academy, in the county of Claiborne, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Tazewell Female Academy, in the town of Tazewell, and in the county of Claiborne, shall have a corporate existence from the day and date of the passage of this act, under the name and style of the Tazewell Female Academy.

**SEC. 2.** *Be it enacted,* That said institution shall be governed by nine trustees, who, and their successors, shall constitute a body politic and corporate; a majority of whom shall make a quorum for the transaction of business. The first board shall consist of Col. Wm. Houston, Hu. Jones, A. J. Woodson, Col. Jacob Shultz, Rev. John M. Kelly, Wm. Neil, Hu. Graham, Walter R. Evans, and Wm. Fugat, who shall continue in office until the first Monday of January, 1855, and until their successors shall be elected. All vacancies that may occur in their body, shall be filled by the board, and the proceedings entered upon the minutes. They may elect from their own body a president, secretary and treasurer.

**SEC. 3.** *Be it enacted,* That the successors of the board of trustees herein appointed, shall be elected on the day of the expiration of the term herein designated; and ever thereafter, the board of trustees of said academy shall be elected annually, and shall hold their office, and enjoy all the rights and privileges conferred by this act of incorporation, for one year only, unless there should be a failure to elect a new board of trustees as this charter directs; in which event, those last elected under the provisions of this act shall continue, and be recognized as such, with all the powers and privileges granted by this act.

**SEC. 4.** *Be it enacted,* That said female academy shall be under the control, management and supervision of the freemasons of the Evening Star Lodge, and the Tazewell divisions of the Sons of Temperance. And the trustees of said academy, shall be chosen at the expiration of the term of office of those herein appointed, and thereafter for ninety and nine years, according to such an arrangement or agreement as may have heretofore, or may hereafter be made by said orders; and in the event either of said orders shall become extinct, then the surviving order shall have the control and manage-

ment of said institution, with all the powers and privileges of this act.

**Sec. 5.** *Be it enacted,* That said board shall have power to employ all necessary teachers and lecturers, fix the rate of tuition, make all necessary rules and regulations, hold real and personal estate by purchase, gift or devise, and sell or exchange the same as the interest of the institution may require; to sue and to be sued, and have a common seal; to confer, if they think proper, in conjunction with the teachers, such literary degrees and diplomas as are usual in female academies; and have and enjoy all other powers and privileges that are incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations relative to said academy, not being inconsistent with the constitution and the laws of the State of Tennessee, or of the United States. May confer degrees.

**Sec. 6.** *Be it enacted,* That said board shall have power to solicit and receive subscriptions for the benefit of said institution, in such sums and upon such terms as they may think proper; to prescribe and collect the same; and the property and assets of the institution, shall be governed by the board, under such by-laws or regulations as they may, from time to time, establish.

**Sec. 7.** *Be it enacted,* That in the conveyance of real estate, or the transfer of claims or other assets, the name of the president of the board shall be sufficient, by order of said board, in each case.

**Sec. 8.** *Be it further enacted,* That William Little, William Collin, D. A. Ozment, A. Wilson, A. B. Moore, B. Landers, J. R. Brown, Wm. S. Knott, A. F. Knott, and J. Nichols, be, and they are hereby constituted a body corporate and politic, by the name of the Trustees of Unionville Male Academy, and shall have perpetual succession, and be capable in law or equity to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattels, which may be given, granted or devised to them, or purchased by them for the use and benefit of said academy; and the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any of the courts of law or equity in this State. Unionville Male Academy

**Sec. 9.** *Be it enacted,* That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places, as they think fit and proper, to elect one of their number president, and a secretary and treasurer of said board; and to fill vacancies, when such may occur by death, resignation, removal

or otherwise ; but not less than a majority of said trustees shall constitute a board to do business.

SEC. 10. *Be it enacted*, That said board of trustees shall have power to make such regulations relative to said academy, and the government thereof, and their own proceedings, as a majority may deem right and proper ; *Provided*, they be not inconsistent with the constitution and laws of this State.

Unionville Female Academy

SEC. 11. *Be it enacted*, That Jennings Moore, A. B. Moore, A. Wilson, Briant Sanders, J. R. Brown, D. A. Ozment and William Little, be, and they hereby are constituted a body corporate and politic, by the name of the Trustees of Unionville Female Academy, and shall have perpetual succession; and be capable in law and equity to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattels, which may be given, granted or devised to them, or purchased by them for the use and benefit of said academy ; and the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any of the courts of law or equity in this State.

SEC. 12. *Be it enacted*, That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as they may think fit and proper, to elect one of their number president, and a secretary and treasurer of said board, and to fill vacancies, when such may occur by death, resignation, removal or otherwise ; but not less than a majority of said trustees shall constitute a board to do business.

SEC. 13. *Be it enacted*, That said board of trustees shall have power to make such regulations relative to said academy, and the government thereof, and their own proceedings, as a majority may deem right and proper ; *Provided*, they be not inconsistent with the constitution and laws of this State.

SEC. 14. *Be it enacted*, That Wm. L. Park, Dempsey White, J. B. Moore, Joseph Holt, Wm. Sinclair, James H. Hinton, Joel Wetherford, and William R. Curtis, Esq., be, and they are hereby appointed and constituted a body politic and corporate, by the name of Taylor Academy, in the county of Taylor, and by that name may sue and be sued, plead and be impleaded ; shall have and use a common seal ; shall hold and acquire real and personal property, so far as it may be necessary for the use of said academy ; and shall have, exercise and enjoy all such rights, powers and privileges as are usually possessed and exercised by the trustees of any

incorporated academy; and may ask, demand and sue for, and receive any monies which may be due said academy by donation or otherwise; and for the same may grant all proper discharges and acquittances by the signature of the president, attested by the treasurer, with the common seal attached.

SEC. 15. *Be it enacted*, That so soon as the persons named in the above section of this act, shall have organized said academy, they shall proceed to hold an election for seven trustees, first giving ten days' notice of the time and place of holding said election. Said trustees, when so elected, shall hold their office during the term of two years, and until their successors are elected and qualified.

SEC. 16. *Be it enacted*, That said trustees, when elected, shall organize themselves into a board, by electing one of their number president, and appointing a treasurer; any four shall constitute a quorum to do business. Said board shall have power to fill vacancies during the time for which they were elected.

WM H. WISENER,

*Speaker of the House of Representatives,*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CCXIV.

AN ACT to charter the Mechanics' Bank of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James T. Leath, Charles Jones, James Clark, F. W. Williams, John White, N. Howcott, A. Linde, Thomas Giles, Paul Kay, Stephen Curtis, Joseph Crawford, William Rogers, W. B. Means and E. W. M. King, their associates and successors, be, and they are hereby constituted a body corporate and politic by the name and style of the "Mechanics' Bank of Memphis," and by such name may sue and be sued, plead and be impleaded; may have succession for thirty years; may have a common seal; may hold real estate so far as the same may be necessary for banking houses,

or may be received in payment of debts or otherwise, necessary for the legitimate business of the company.

**When to commence business.** SEC. 2. *Be it enacted,* That whenever one hundred thousand dollars shall have been subscribed to the capital stock of said bank, in shares of twenty-five dollars each, by the corporators herein named, or by other persons, and ten per centum on that amount is paid by the subscribers in gold or silver, or in notes or bills which the corporators or directors may deem equivalent to, or better than specie, then and not till then, shall said corporation commence the business of banking.

**Capital stock.** SEC. 3. *Be it enacted,* That the capital stock of said bank shall not be less than one hundred thousand dollars, nor more than three hundred thousand dollars.

SEC. 4. *Be it enacted,* That the corporators may, at any time they may see proper to do so, at their banking house, open books for subscriptions to the capital stock of the Mechanics' Bank of Memphis, after the one hundred thousand dollars of capital stock has been subscribed; and thus, from time to time, as they deem proper, increase their capital stock, not to exceed, three hundred thousand dollars.

**Organization.** SEC. 5. *Be it enacted,* That for the due administration of the affairs of said bank, there shall be five directors, citizens of this State, who shall be elected annually at their banking house on the first Monday in April, by the stockholders; and the directors at their first meeting after each election, shall appoint one of their body president of said bank; and if at any time it should happen that an election of directors should not be made upon the day when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed dissolved, but it shall be lawful at any other time to make such election within thirty days thereafter, in such manner as shall have been prescribed by the laws or ordinances of said corporation; and in case of the death, resignation or removal from the State of a director elected by the stockholders, his place shall be filled by the remaining directors or a majority of them, until the next general election.

**Powers of board.** SEC. 6. *Be it enacted,* That the directors for the time being, shall have power to appoint such officers, clerks and servants under them as shall be necessary for executing and transacting the business of said corporation, and to allow them such compensation for their services as shall be reasonable; and shall be capable of exercising all such other power and authority for the well

governing and ordering the affairs of the said corporation as shall be prescribed and provided by the laws, regulations and ordinances of the same.

SEC. 7. *Be it enacted*, That the directors shall keep fair and regular minutes of their proceedings, and on any question where one director shall require it, the yeas and nays of the members voting shall be duly entered.

SEC. 8. *Be it enacted*, That the directors or any one of them shall, at any time, examine and inspect the books and accounts of said bank, whether the board of directors be in session or not.

SEC. 9. *Be it enacted*, That the bills and notes issued by this bank, shall, in no case, exceed one hundred per cent above the capital stock paid in.

SEC. 10. *Be it enacted*, That if the cashier, or any other officer, agent or servant of said bank, shall embezzel, and without authority from the president and directors of said bank, appropriate any of the funds of said corporation to his own use, with intent to cheat and defraud the president and directors of said bank, or shall fail to make correct entries, or shall make false entries upon the books of the said bank, with intent to defraud said bank or any other person whatever, said officer, agent or servant of said bank shall be held and deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State, for the period of not less than five nor more than twenty years. Penalty for embezzeling.

SEC. 11. *Be it enacted*, That whenever the legislature may be of opinion that the charter of the corporation hereby granted shall have been violated, and that the same has been forfeited, it may be lawful, by joint resolution, to direct a *scire facias* to issue from the supreme court of the State, in the name of the State of Tennessee, calling on said corporation to show cause why the charter hereby granted shall not be declared forfeited, and service of said *scire facias* upon the president and any two directors shall be deemed a sufficient service upon said corporation; and it shall be lawful for the said court, and they shall have full power and authority upon the return of the *scire facias* being made known, to enquire into the truth of the alleged violation; and if such violation be made to appear, then to adjudge and pronounce that said charter is forfeited and annulled. *Provided*, however, that said *scire facias* shall specify with precision, the nature of the complaint, the grounds upon which the forfeiture is claimed; and Forfeiture of charter.

every issue of fact which may be found between the State and said corporation, shall be tried by a jury to be empannelled by said court for that purpose.

Individual  
liability.

SEC. 12. *Be it enacted*, That if at any time it shall be made to appear by *scire facias* or any other judicial proceedings, in any of the courts of record in this State, that said corporation has violated this charter by exceeding the amount of issues herein authorized to be made, or by extending or giving to stockholders discounts or other banking accommodations by virtue of their stock, beyond what is extended or given to others not being stockholders, then, and in either of the above cases, the directors voting for, or who may have sanctioned such violation of the charter, shall be responsible in their private property for any loss or damage which may be sustained by any person in consequence of such violation; and in case the property, real, personal and mixed, of such directors, may not be sufficient to compensate for the injuries which may have thus been sustained by stockholders, or others, then, and in that case, the stockholders shall be liable in their property, both real and personal, to an amount equal to the stock by them respectively held, to make up such deficiency. *Provided*, however, that said individual liability shall not be enforced against either director or stockholder, so long as said bank shall continue to redeem its notes or pay its debts at its usual place of doing business, nor until judgment shall have been regularly first obtained against said bank, and execution shall have been duly returned unsatisfied and that no property of said corporation can be found to satisfy the same.

Fundamental  
articles.

SEC. 13. *Be it enacted*, That the following shall constitute the fundamental articles of said corporation.

ARTICLE 1. All stockholders owning ten shares and under, shall be entitled to one vote, and the owners of more than ten shares shall be entitled to one vote for every ten shares.

ART. 2. None but a stockholder, being a citizen of the State of Tennessee, shall be eligible as a director, and no director in any other [bank] or the partner in trade of such director, nor two persons trading in partnership at the same time, shall be eligible or capable of serving as directors in this bank.

ART. 3. No director shall be entitled to any emolument unless the same shall have been allowed by the stockholders at a general meeting; but the directors for the time being, shall have power to make such compensation to the president of said bank for his extraordinary



attendance at the bank, superintending its concerns, as to them shall seem reasonable.

ART. 4. Not less than three directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence; in which case, a president *pro tempore* may be appointed by a majority of the directors present.

ART. 5. A number of stockholders, not less than ten, holding at least one thousand shares, shall have power to call a general meeting of the stockholders, as shall also a majority of the directors, for purposes relating to the institution, giving at least four weeks' notice in two newspapers of general circulation, specifying the object or objects of each meeting.

ART. 6. The cashier of the bank shall execute his obligation with security approved of by the board of directors, payable to the Mechanics' Bank of Memphis, Bonds of officers. for the faithful performance of his duty as cashier, with such covenants and in such penalty, as said president and directors shall deem requisite and proper; and said president and directors shall have like power to require like bond and security from any other of the officers, with like covenants and conditions, if they deem it necessary; which said bonds, when taken, shall be placed in the hands of the Secretary of the State, and shall be good and sufficient in law or equity, to enable said bank to recover of and from said cashier or other officer and their securities, all sums of money which may come to their hands in the discharge of their official duty; and for any default, neglect, fraud or failure on the part of said officers, suit may be brought on said bond or bonds, obligation or obligations, from time to time, and recoveries thereon had for all sums due on account of any default, neglect, fraud, failure or delinquency on the part of said cashier or other officer, without regard to the amount, of any penalty that may be mentioned in said bond and obligations.

ART. 7. The lands, tenements and hereditaments which it may be lawful for said corporation to hold, shall be only such as shall be requisite for its immediate accommodation for the transaction of the business of said corporation, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to said bank in satisfaction of debts previously contracted in the course of ordinary banking business, or purchased at sales upon judgments or decrees which shall have been obtained for such debts. Real estate.

Transfer of  
stock.

**ART. 8.** The stock of said bank shall be assignable and transferable on the books of the bank, according to such rules, ordinances and regulations as shall be prescribed by the president and directors thereof; and it is hereby expressly provided, that any stockholder who shall transfer all his, her or their stock in said corporation, to any other person or persons whatsoever, shall immediately cease to be a member of said corporation; and that any person or persons whatever, who shall accept a transfer of any share or stock in said bank shall thereupon become members of this corporation agreeably to the fundamental articles of the same, and this act of incorporation.

**ART. 9.** All bills, bonds, notes and every contract on behalf of the bank shall be signed by the president and the cashier thereof, and the funds of the bank shall in no wise be held responsible for any contract or engagement whatsoever, unless the same shall be executed as aforesaid.

**ART. 10.** The bills obligatory and of credit, under the seal of the corporation, shall be assignable thereupon, by endorsements under the hand or hands of such person or persons, which shall be made to any person or persons, and of his, her or their assignee or assignees successively, and shall enable such assignee or assignees to bring and maintain an action and recover thereon in his, her or their own name or names; and bills or notes which may be issued by order of said corporation, signed by the president and by the cashier thereof, promising the payment of money to any person or persons, his, her or their order, or the bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, in like manner, and with like effect, as foreign bills of exchange now are; and those payable to bearer shall be negotiable and transferable by delivery thereof only; and all bills and notes, whether, under seal or otherwise, at any time discounted by said corporation, shall be, and they are hereby placed upon the same footing as foreign bills of exchange, so that the like remedy shall be had for the recovery thereof against the drawer or drawers, endorser or endorsers, and with like effect, any usage, law or custom to the contrary notwithstanding.

**ART. 11.** The said corporation shall not directly or indirectly demand, take or receive by way of discount or for interest, a greater sum or sums than six per centum per annum. *Provided*, that this article shall not be construed so as to prevent the said bank from demanding

Rate of interest

and receiving a reasonable premium for exchange in addition to interest upon bills or notes payable at a point beyond the limits of the State.

ART. 12. No stockholder in said bank shall be entitled to any other or greater accommodation in said bank by pledge of his stock, than any other person not a stockholder.

ART. 13. Half-yearly dividends shall be made of so much of the profits as shall appear to the directors advisable; and once in every year, at the meeting to be annually held for the election of directors, there shall be exhibited an exact and particular statement of the general accounts of said bank; and if any stockholder shall be in default, or shall have failed to pay part of the sum or sums by him, her or them subscribed, the party failing shall forfeit all payments previously made to said bank, together with any dividend which may have accrued, should the board of directors so direct. Dividends.

ART. 14. The corporation shall not at any time suspend or refuse payment of any of its notes, bills or obligations, nor of any money received on deposit in said bank, when demanded by the holder or depositor, in gold or silver, and in case of such refusal, the holder of such note, bill or obligation, or the person or persons entitled to receive such money as aforesaid, shall be respectively entitled to receive interest at the rate of ten per centum, until paid.

SEC. 14. *Be it enacted*, That in consideration of the privileges granted by this charter, the bank agrees to pay to the State of Tennessee annually, one half of one per cent on the amount of the capital stock subscribed and paid in. Bonus.

SEC. 15. *Be it further enacted*, That the stockholders shall not sell or transfer their stock without the consent of three-fourths of the stockholders in said bank; and whenever any of said stock is sold or transferred, publication of the same shall be made immediately in two or more newspapers nearest to the bank in the State of Tennessee.

SEC. 16. *Be it further enacted*, That the said corporation shall not, at any time suspend or refuse payment of any of the notes, bills or obligations thereof, nor of any money received on deposit in said bank, when demanded by the holder or depositor at the place where the same is made payable, in gold or silver; and in case of such refusal, the holder of such note, bill or obligation, or the person or persons entitled to receive such money deposited as aforesaid, shall be respectively entitled to

interest from the time of such demand and refusal, at the rate of ten per cent per annum, until paid by said bank or corporation, or until the same can be recovered or made by law from the real or personal effects of the then existing stockholders in said bank or corporation, who are hereby individually liable for the redemption of all the notes, bills and obligations of any nature and kind whatever of said bank.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CCXV.

AN ACT to charter the Shelbyville Bank of Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be established a Bank at Shelbyville, Bedford county, to be called "The Shelbyville Bank of Tennessee;" the capital stock of which shall not be less than one hundred thousand dollars, in shares of one hundred dollars each. Books for subscriptions for said stock, shall be opened on the first Monday in June next, at Shelbyville, under the superintendence of Robert Mathews, Thomas C. Whiteside, Edmund Cooper, George Davidson, George W. Buchanan, John A. Moore, Joseph Thompson, Samuel Doak, Geo. W. Cunningham, John C. Hix, W. H. Gill and Robert E. Jennings. At Lewisburg, under the superintendence of John R. Hill, Gideon B. Black, James H. Ewing, James A. Yewell, John Laws, and Morgan Fitzpatrick. At Farmington, Marshall county, under the superintendence of John Ramsay, John R. Jones, Ephraim Hunter, C. B. Davis, Robert Williams, William S. Anderson. At Fairfield, Bedford county, under the superintendence of William W. Miller, James S. Armstrong, Sr., E. A. Mosely, John L. Neille, John S. Davis, G. G. Osburn, John E. Scruggs, Samuel McMahan and Jno. M. Lane. At Unionville, under the superintendence of David G. Dawson, William Collins, William Little, J. R. Browne, Augustin Wilson, and Joseph Anderson.

Commissioners

At Richmond, under the superintendence of James H. Curtis, Jr., William G. Thomson, Alsey Freeman, Randolph Newsom, Jesse W. Browne, — Winston, J. W. Wakefield, Thomas H. Allison, and David Yancy. At Roweville, under the superintendence of George W. Herd, Joseph K. Ewell, A. L. Landis, Alexander Kimbro, Samuel K. Whitson, James M. Maupin, and Robert H. Terry. At Manchester, under the superintendence of William P. Hickerson, James M. Sheid, William A. Hickerson, Francis M. Boyd, J. E. Basham, Willis Blanton, and A. E. Patton. At Petersburg, Lincoln county, under the superintendence of David R. Smith, Jacob Gillespie, Gabriel Blackwell, Alexander Greer, Joseph Greer, and J. J. S. Gill. At Lynchburg, under the superintendence of Alfred Eaton, Townsend P. Green, Zadock Motlow, Benjamin Berry, and John Taylor, Esq. At Mulberry, in Lincoln county, under the superintendence of Henry Kelso, Newton Whitaker, George W. Alexander. At Fayetteville, under the superintendence of R. A. McDonald, David Robertson, Andrew Beaty, and William McCahey, any three of whom may act; and they shall keep open said books for one week, and at the end of that time, the commissioners at the different places shall forward to the commissioners at Shelbyville, the books containing the subscriptions taken by them, and if the sum of one hundred thousand dollars is not subscribed, books may be opened at such times and places as the commissioners at Shelbyville, or a majority of them, may designate, until one hundred thousand dollars shall have been subscribed; and the amount of shares subscribed shall be paid in gold or silver, or funds equivalent to specie; that is to say, ten dollars on each share to the commissioners at the time of subscribing, and the remaining ninety dollars to the directors of the bank for the time being, in such instalments as they may from time to time require. Calls on Stock.

**SEC. 2.** *Be it further enacted,* That the subscribers for said stock, their successors and assignees, shall be, and are hereby created a company in law, by the name and style of "The Shelbyville Bank of Tennessee," and shall have existence for thirty years.

**SEC. 3.** *Be it further enacted,* That whenever one hundred thousand dollars shall have been subscribed to the capital stock of said company, and ten per centum on that sum or amount is paid by the subscribers in the manner directed in the first section of this act, then, and not till then, shall said corporation commence the business of banking.

**Sec. 4.** *Be it further enacted,* That all the privileges conferred by an act passed at the present session of the Legislature, on the Bank of West Tennessee, be, and the same are hereby conferred upon the Shelbyville Bank of Tennessee, subject to all the restrictions imposed upon said Bank of West Tennessee, so far as said privileges and restrictions can be applicable to the said Shelbyville Bank of Tennessee.

**Sec. 5.** *Be it further enacted,* That the corporation may, at any time they see proper to do so, and at their principal office, or elsewhere, open books for subscriptions for stock after the one hundred thousand dollars of capital stock has been subscribed, and then, from time to time, as they may deem proper, increase their capital stock, to an amount not exceeding five hundred thousand dollars.

**Sec. 6.** *Be it further enacted,* That no transfer of stock herein authorized to be taken, shall be valid and lawful unless due notice be given at the time of said transfer upon the stock books of said company, which shall be kept open, at all times, to the inspection of all persons interested in the knowledge of said facts.

**Sec. 7.** *Be it further enacted,* That in consideration **Bonus.** of the privileges granted by this charter, the said bank agrees to pay the State of Tennessee, annually, one-half of one per cent. on the amount of the capital stock subscribed and paid in.

**Sec. 8.** *Be it further enacted,* That the Shelbyville Bank of Tennessee shall have nine directors, six of whom, at least, shall reside in Bedford county; and five shall constitute a quorum to do business.

**Sec. 9.** *Be it further enacted,* That the Legislature reserves the right to alter or repeal the charter hereby granted to the Shelbyville Bank of Tennessee.

**Sec. 10.** *Be it further enacted,* That there shall be established a bank at Brownsville, Haywood county, to be called "The Agricultural Bank of Tennessee," the capital stock of which shall not be less than one hundred thousand dollars, nor more than five hundred thousand dollars, in shares of one hundred dollars each. Books for subscription for said stock, shall be opened on the first Monday in July next, at Brownsville, under the superintendence of J. P. Wood, J. Whitelaw, C. Buck, W. Songster, W. Proudfit, R. Y. Longley, N. Greenwald, G. W. Gause, J. M. Rutledge, T. G. Smith, L. M. Campbell, R. S. Thomas, S. Turner, J. A. Taylor, and A. Carlton. At Cherryville, under the superintendence

of H. H. Partee, James Wortham, and E. J. Read. At Cageville, under the superintendence of J. M. Johnson, T. Green, and J. W. Evans. At Lanefield, under the superintendence of J. Clay, D. Whitaker, and D. Nunn. At Woodville, under the superintendence of H. Hendron, E. G. Young, and N. Parker. At Danceyville, under the superintendence of F. McFarland, H. Ragland, and Thos. B. Shapard. At Wesley, under the superintendence of C. Spencer, N. Adams, and W. B. Macclin. At Durhamville, Lauderdale county, under the superintendence of J. Borum, Thos. A. Rayner, and J. C. Coggsall. At Ripley, under the superintendence of J. M. Steel, P. T. Glass, J. A. Lackay, H. Partee, and H. C. Keller. At Jackson, under the superintendence of G. H. Kyle, L. B. Shapard, M. Brown, and A. Jackson. At Covington, under the superintendence of R. H. Munford, H. R. Bate, and A. Smith. At Randolph, under the superintendence of H. M. Daniel, J. Steele, and Ruffin Smythe. At Portersville, under the superintendence of W. Coward, B. Payne, and W. McCain; any three, or a majority of whom may act; and they shall keep open said books for one week, and at the end of that time the commissioners at the different places shall forward to the commissioners at Brownsville, the books containing the subscriptions taken by them; and if the sum of one hundred thousand dollars is not subscribed, books may be opened at such times and places as the commissioners at Brownsville, or a majority Calls on stock. of them, may designate, until one hundred thousand dollars have been subscribed; and the amount of shares subscribed shall be paid in gold or silver, or funds equivalent to specie—that is to say, ten dollars on each share to the commissioners at the time of subscribing, and the remaining ninety dollars to the directors of the bank for the time being, in such instalments as they may, from time to time require.

Sec. 11. *Be it further enacted*, That the subscribers for said stock, their successors and assignees, shall be and are hereby created a company in law, by the name and style of "The Agricultural Bank of Tennessee," and shall have existence for thirty years.

Sec. 12. *Be it further enacted*, That the Agricultural Bank of Tennessee shall have the same powers and privileges, and be subject to the same duties and obligations which are conferred and imposed upon the Shelbyville Bank of Tennessee, in the 3rd, 4th, 5th, 6th, 7th, 8th and 9th sections of this act, so far as the said

privileges and obligations can be applicable to said Agricultural Bank of Tennessee.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 4, 1854.

## CHAPTER CCXVI.

AN ACT to incorporate the Tennessee Western and Charleston Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a direct communication by railroad between the State of Tennessee and the city of Charleston, and to form a connection with the railroads that have their terminus at the city of Chattanooga, the formation of a company is hereby authorized, which, when formed, shall be a body corporate, by the name and style of "The Tennessee Western and Charleston Railroad Company," and by said corporate name shall be capable in law, to buy, receive by gift, hold, sell and convey real and personal estate, as hereinafter provided; make contracts; sue and be sued; make by-laws; and do all other acts properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated; and to have and use a common seal, and the same to alter and destroy at its pleasure; and to have perpetual succession of members.

Sec. 2. Books for subscription of thirty thousand shares of capital stock of said company, of fifty dollars each, shall be opened on the first Monday in March, 1854, and shall be kept open thirty days between the hours of ten o'clock in the morning and four o'clock in the evening, at the following places, and by the following commissioners:

At Madisonville, in Monroe county—William M. Stakely, Joseph Johnston, John King, Gilferd Cannon,  
 Commissioners James A. Coffin, Robert F. Cooke, B. C. Pettit, Joseph J. Wright, E. E. Griffith, Daniel Heiskell, Joseph Walker, John Wilson, Robert Russell, Barclay McGhee, D. W.



Latimore, N. J. Spillman, Daniel Welch, S. S. Glenn, Jonathan Thomas, Thomas Hensley, James W. Kelso, John B. Tipton, H. B. Yearwood, Elisha Johnston, and Nathaniel Magill. At Athens, in McMinn county—Wm. P. H. McDermott, R. C. Jackson, Wm. H. Ballew, Stephen R. Reeder, J. B. Taylor, Charles L. King, Wm. S. Callaway, C. W. Rice, Wm. McKamey, John J. Dixon, Moses Cunningham, Robert Cohorn, David A. Cobb, J. C. Carlock, H. C. Cook, John Jack, John Smith, Daniel Lowry, Jno. D. Lowry, Thornton Goddard, J. M. Alexander, John Hambright and J. B. Martin. In Bradley county—Thos. H. Calloway, G. W. Parks, John T. Carmichael, S. K. King, Joseph Tucker, John F. Hays, Wm. R. Pickens, Hillard J. Harris, Ezekiel Bates, Isaac day, James L. Knox, Patrick Bates, A. Henry and Wm. Blair. In Hamilton county—Jonathan Wood, C. D. Lutrell, John Anderson, G. W. Puckett, Hiram Douglass, Newton Rawlings, John Floyd, Wm. Arnett, Joshua Hunter, Wm. J. Sanderfer, Robert M. Hook, Thos. Crutchfield and Robert Cravens. At Decatur, in Meigs county—Wm. B. Russell, Howell Whitmore, A. Rice, Dr. Stephen Taylor, Reuben, McKinzie, A. Cox, jr., George W. McKinzie, Wm. H. Baldwin, Ambrose W. Hodge, Jos. McKorkle, Wm. Lillard, Prior Neil, Robert R. Davis, Caleb Moore, Thomas B. McElwee and Thomas S. Farmer. At Benton, in Polk county—Wm. Biggs, Ezekiel Dunn, A. Lillard, James McKamy, R. W. McClary, Isaac N. Swan, John B. Hoyle, John H. Dobson, A. McKissic, Samuel Congdon, Elias Davis, Jacob L. McClary and John Shields.

**Sec. 3.** The said commissioners, a majority, or eight of them, at each of the places aforesaid, shall receive subscriptions for stock in the said railroad company, during the time the said books are directed to be kept open, and on each share so subscribed, shall demand and receive the sum of fifty cents, without which said subscription shall be void.

**Sec. 4.** As soon as the time for receiving subscriptions as aforesaid, shall have expired, the said commissioners shall respectively deposit all the money so received by them in some incorporated bank in East Tennessee, redeeming its notes in specie to the credit of the said Tennessee, Western and Charleston Railroad Company, and subject to the order of the president and board of commissioners hereafter appointed; and shall also forward a correct list of all the subscriptions to the said stock, with the number of shares each subscriber has taken, to a board of commissioners, to be composed of the fol-

Board of Com-  
missioners.

lowing persons : Wm. M. Stakely, Joseph Johnson, Jas. A. Coffin, Gilferd Cannon, Elisha E. Griffith, John King, Robert Russell, Wm. Dyer, Newton J. Spillman, Robert F. Cooke, Joseph Walker, D. W. Latimore, Daniel Heiskell and Joseph Jones, of the county of Monroe; and Wm. P. H. McDermott, Wm. H. Ballew, B. F. Martin, J. B. Taylor, Thomas J. Campbell, R. M. Fisher, S. K. Reeder, Robert M. Newman and David Cantrell, of the county of McMinn; and James A. Whiteside, of Hamilton county; M. B. McElwee, Joseph McCorkle and George W. McKenzie, of Meigs county; William M. Biggs, James McCorry and Ezekiel Dunn, of Polk county; who may, or a majority of them that accept the appointment and act, establish rules to govern their proceedings, choose their own president, and appoint such other officers and agents as they may think proper, and prescribe their duties; and who, or a majority of them that accept the appointment, shall meet at Madisonville on the first Monday in April, 1854, ascertain the whole number of shares taken in said company, and publish the same in some newspaper printed in East Tennessee, on or before the first Monday in April, 1854: and if the number of one hundred shares shall have been subscribed, on each of which the sum of fifty cents shall have been paid, the Tennessee Western and Charleston Railroad Company shall be regarded as formed; and thenceforth, and from the day of closing the books of subscription as aforesaid, the subscribers to the stock shall form a body politic and corporate in deed and in law, by the name and for the purpose aforesaid, and in all things to be represented by the board of commissioners aforesaid, until the election of a board of directors as hereinafter provided.

Addition'l sub-  
scriptions.

Sec. 5. If, on closing the books as aforesaid, the number of one hundred shares shall not have been subscribed, then and in that case, the said board of commissioners, by themselves or their agents, may receive subscriptions until the number of one hundred shares be taken; and whenever that number of shares shall be subscribed the company shall be considered as formed, as having a corporate existence as aforesaid, and of which, notice shall be given as hereinbefore directed, and may proceed to survey the route for the road, and make an estimate of the cost of its construction; nevertheless, no conclusive and binding location of the road shall be made by the board of commissioners, but the same shall be left to the determination of the first board of directors chosen by the stockholders. And the said board of com-

missioners, may, by themselves or their agents, at such times and places as they may think proper, and upon such terms as to time and manner of payment as they may deem expedient, receive additional subscriptions, until the number of one thousand shares shall have been subscribed, upon which the company may be formed, and the subscribers shall thenceforth form a body corporate as aforesaid; *provided*, the same shall be done on or before the first Monday in January, 1860; and for the residue of the original number of thirty thousand shares, the said corporation may, in like manner, receive additional subscriptions.

SEC. 6. In case more than thirty thousand shares shall have been subscribed on closing the books, when they are first opened, the shares shall be reduced to that Reduction of shares. number by deducting the surplus shares from the highest subscribers, placing them on equality of numbers, as far as can be done, and after such deductions, the remainder of the shareholders shall form the company, and be interested therein in proportion to the number of shares which they may respectively hold.

SEC. 7. If, on closing the books on the first day of January, 1860, the number of one thousand shares shall not To refund. have been subscribed, the money paid by each subscriber shall be returned to him by the said board of commissioners, after paying the expenses of opening the books, and of making surveys and maps of the route or routes, and estimate of the cost of the road, and other necessary expenses, which the said commissioners are hereby authorized to have made as soon as practicable.

SEC. 8. The affairs of said company shall be managed by a board of directors, to consist of fifteen, and who Board of directors. shall be chosen by the stockholders from their own body; and a president of the company shall be elected by the directors from their own body, in such manner as the regulations of the corporation shall prescribe.

SEC. 9. As soon as the number of one hundred shares shall have been subscribed, it shall be the duty of the said commissioners, appointed to declare the same, to appoint a time for the stockholders to meet in Madison- Elections. ville, and give notice thereof in some of the newspapers printed in East Tennessee, at which time and place, the stockholders, in person or by proxy, shall proceed to elect the directors of the company, and to enact all such rules and regulations, and by-laws, as may be necessary for the government of the corporation and the transaction of its business. The persons elected directors at this meeting shall serve for a period of not exceeding

one year, as the stockholders may direct; and at this day the stockholders shall fix on the day the subsequent elections shall be held for directors, and such elections shall thenceforth be annually made. But if the day of annual election shall pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold such an election, in such manner as may be prescribed by a by-law of the corporation.

**Vacancies.** SEC. 10. The board of directors may fill any vacancy which may occur in it during the period for which the board may have been elected; and in the absence of the president may fill his place by electing a president *pro tempore*.

SEC. 11. All contracts and arrangements authenticated by the president of the board shall be binding on the company, with or without seal, or such other mode of authentication may be used as the company by its by-laws may adopt.

**Rates of toll.** SEC. 12. The said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandize and produce over said railroad by them to be constructed. *Provided*, that the cost of transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement for every hundred miles, and five cents a mile for every passenger. And, *provided, also*, that said company may, when they see fit, farm out their rights of transportation on said road, subject to the rates above mentioned.

**Forfeiture.** SEC. 13. The board of directors may call for the payment of ninety-five dollars on each share of stock, in sums not exceeding ten dollars in every thirty days. *Provided* that twenty days' notice be given in some newspaper published in this State; and a failure to pay or secure to be paid, according to the rules of the company, any of the instalments so called as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon, and the same shall vest in and belong to the company, or the same may be restored to the owner or owners thereof at the election of the company, or the directors may waive the forfeiture after thirty days' default, and sue the stockholders for the instalments due at their discretion.

SEC. 14. The stock of said company may be transferred in such manner and form as may be directed by the by-laws of said company.

SEC. 15. The said company may, at any time, increase

its capital to a sum sufficient to complete said road and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, and the mortgage of the charter, road and works; and the manner in which the same shall be done in either case, shall be prescribed at a general meeting of the stockholders; and any State, citizen, corporation, company or county, of this or any other State or country, may subscribe for and hold stock in said company, with all the rights, and subject to all the liabilities of any stockholder, subject, nevertheless, to any special contract. Increase of capital;

Sec. 16. The board of directors shall, once in every year, at least, make a full report of the state of the company and its affairs, to a general meeting of the stockholders, and oftener if directed by a by-law; and shall have power to call a general meeting of the stockholders when the board may deem it expedient. Annual report.

Sec. 17. The stockholders may vote in person or by proxy; and in the election of directors, and in voting on all questions which come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the vote shall be taken according to the following scale, viz: Each stockholder shall have one vote for each share he owns; *Provided*, that no individual, corporation or company, shall be entitled to more than five hundred votes. Scale of voting

Sec. 18. That said company may purchase, have and hold in fee, or for a term of years, any lands, tenements and hereditaments, which may be necessary for said road, or appurtenances thereof, or for the erection of depositories, store-houses, for officers, servants or agents of the company, or for work-shops or foundries to be used by said company, or for procuring timber, stones or any other material necessary for the construction and repairing and equipping said road or appurtenances, or for effecting transportation thereon, or for other purposes. Real estate.

Sec. 19. That said company shall have the right, when necessary, to construct said road, or any branch thereof, across or along any public road or water-course; *Provided*, said road or water-course shall not be obstructed.

Sec. 20. The said company may purchase any bridge or turnpike road over which it may be necessary to pass; and when such purchase is made, to hold the said bridge or turnpike road on the same terms, and with all the rights which belonged to the individual or

individuals, or corporation from which said purchase may be made; *Provided*, the said company shall not obstruct any public road without constructing another in its stead.

**Damages.** SEC. 21. When any lands or right of way may be required by said company, for the purpose of constructing and locating said road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the circuit court of the county wherein some part of the land or right of way is situated; and the said commissioners, before they act, shall be severally sworn by some justice of the peace, to faithfully and impartially discharge the duties assigned them. In making said valuation, the commissioners shall take into consideration the loss or damage which may occur to the owner or owners of the land, in consequence of the land being, on the right of way being surrendered, and also the benefit and advantage he, she or they may have from the erection or establishment of said railroad or works; and shall state particularly the nature and amount of each, and the excess of loss and damage over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way. The proceedings of said commissioners, accompanied with a full description of the said land or right of way, shall be returned, under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain a matter of record. In case either party to the proceedings shall appeal from the valuation to the next session of the court granting the commissioners, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury, who shall be charged therewith at the same term, or as soon as practicable; and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted; and the land or right of way, as valued by the commissioners or jury, shall vest in the said company in fee simple, as soon as the valuation may be paid, or when tendered and not accepted, to the extent of two hundred feet wide. When there may be an appeal as aforesaid from the valuation of the commissioners by either of the parties, the same shall not prevent the works intended to be constructed from proceeding; but where the appeal is by the company requiring the surrender, they shall

be at liberty to proceed with their work only on condition of giving the opposite party a bond with good security, to be approved of by the clerk of the circuit court where the valuation is returned, in a penalty equal to double the valuation, and interest in case the same be sustained; and in case it be reversed, for the payment of such valuation thereafter to be made by the jury, and confirmed by the court; *Provided*, that when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed during the pendency of any proceeding to assess its value as aforesaid; nor shall any injunction or superseatas be awarded by any judge or court, to delay the progress of said work.

SEC. 22. In the absence of any contract with said company in relation to lands through which said road may pass, signed by the owner thereof, or by his agent, on any complaint or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the road may be constructed, together with the space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner thereof; and the said company shall have a good right and title thereto, and shall have, hold and enjoy the same, as long as the same be used only for the purpose of said road, and no longer, unless the person or persons owning such land at the time that part of the road which may be on said land was finished, or those claiming under him, her or them, may apply for an assessment for the value of said land, as hereinbefore directed, within five years next after that part of said road was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not, within five years after that part was finished, apply for such assessment, he, she or they shall be forever barred from recovering said lands, or having any assessment or compensation therefor; *Provided*, nothing herein contained, shall effect the rights of *femes covert* or infants, until two years after the removal of their respective disabilities.

SEC. 23. If any person shall intrude upon the said road, or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without permission, or contrary to the will of said company, he, she or they, or company, shall forthwith forfeit to the said company, all the vehicles that may be intruded on said road; and the same may be recovered by suit at law, and the person or persons or company,

When owner-  
ship presum'd.

Penalty for in-  
trusion.

so intruding, may also be indicted for a misdemeanor, and upon conviction, fined and imprisoned as in other cases of misdemeanor.

SEC. 24. If any person shall wilfully or maliciously destroy, or in any manner hurt, damage or obstruct the said railroad, or any bridge, or any vehicle used for or in the transportation thereon, such person or persons so offending, shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six, nor less than one month, and pay a fine of not less than twenty dollars; and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this charter, to defend himself by pleading, or giving in evidence that he was the owner, or agent, or servant of the owner of the land where such destruction, hurt or damage, injury or obstruction was done, or caused at the time the same was caused or done.

SEC. 25. Every obstruction to the safe and free passage of vehicles and cars on the said road, shall be deemed a public nuisance, and may be abated as such by an officer, agent or servant of the company; and the person or company may be indicted and punished for erecting a public nuisance.

SEC. 26. The said company shall have the right to take at the store-houses they may establish, or next to the railroad, all goods, wares, merchandize, and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they, by rule, may establish, (which they shall cause to be published,) or as may be affixed by agreement with the owner, which may be distinct from the rates of transportation; *Provided*, the said company shall not charge or receive storage on goods, wares, merchandize, and produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

SEC. 27. The profits of the company, or so much thereof as the board of directors may deem advisable, shall, Profits. when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

SEC. 28. The said company is hereby expressly prohibited from carrying on any banking operations, but may effect insurance on lives and property transported on the road.

SEC. 29. Whenever, in the construction of said road,



it shall be necessary to cross or intersect any established road or way, it shall be the duty of the company to construct said road across such established road or way, as not to impede any more than can be avoided, the passage or transportation of persons or property along the same; or where it shall be necessary to pass through the land of any individual, it shall be the duty of said company to provide for such individual a proper wagon-way or ways across said road from one part of his road to the other.

SEC. 30. The said company shall possess such additional powers as may be necessary and convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work.

SEC. 31. The president, directors, clerks, agents and officers of said company, shall be exempted from military duty, except in cases of invasion or insurrection; and shall also be exempt from serving on juries and working on public works.

SEC. 32. They shall have full power and authority to purchase and own such number of slaves as shall be necessary for the construction of said road, and for keeping the same in repair.

SEC. 33. If by decree or otherwise, the said corporation should be dissolved, the president and directors of the said company are created trustees, with such powers only as may be necessary to collect the debts, and distribute the property and effects and debts due the company, those that may be entitled thereto under the charter.

SEC. 34. The capital stock of said company shall be forever exempt from taxation, and the road and all its fixtures and appurtenances, including workshops, warehouses and vehicles of transportation, shall be exempt from taxation for the period of twenty years from the completion of the road, and no longer.

SEC. 35. The railroad authorized by this act shall be commenced within six years from the passage of this charter, and shall be finished within fifteen years thereafter; otherwise the charter hereby granted shall be void.

SEC. 36. The board of commissioners of said road, is hereby authorized and empowered to appoint three judges and two clerks, for the purpose of holding an election for the said directors of said company; and upon the certificate of said judges, the said directors shall be authorized to qualify as directors, and make all

rules, regulations and by-laws, necessary for the regulation of said company and the management of its affairs, not inconsistent with the general laws of the land.

Sec. 37. The board of directors of said company, shall have power to appoint three judges and two clerks, from year to year, for the purpose of holding an election for directors.

Sec. 38. The said railroad shall connect with the Blue Ridge railroad, at the line between the State of North Carolina and Tennessee, on or near the Little Tennessee river, or with any railroad or railroads that may be made from that point to Knoxville, which shall be the south-eastern terminus of said railroad; and the said railroad may connect at its western terminus with the Chattanooga, Harrison, Georgetown and Charleston railroad, or with other railroads that may be hereafter made from Chattanooga to the East Tennessee and Georgia railroad; *Provided*, it is as near and practicable a route to the said point on the said Little Tennessee river; or the said railroad may have its western terminus at Chattanooga; and it shall be the duty of the directors of said railroad company, to locate said railroad on the nearest and most practicable route from the point where it will be the most convenient to leave said Little Tennessee river to Chattanooga; and it shall be their duty to have such routes as they may deem necessary surveyed by a competent engineer or engineers, and ascertain the nearest and most practicable route, all things considered, and locate the road accordingly. It is hereby declared that it is the true intention and meaning of this act, to have said railroad so located and made as to have a through route from Chattanooga to the Blue Ridge railroad company, on the Little Tennessee river, as aforesaid, on the nearest and most practicable route, every thing considered, which may be done by connecting with other railroad companies; *Provided*, it can be done so as to make the route as near and as practicable between said points as hereinbefore provided.

Termini of  
road.

Amalgamation  
of stock.

Sec. 39. The said railroad company is hereby authorized and fully empowered to amalgamate its stock with, or transfer it to any other railroad company, whose railroad connects therewith, as heretofore provided; which said amalgamation or transfer shall carry with it all the rights and privileges and benefits of said company. And any railroad company whose road connects with said railroad, is hereby authorized and fully empowered to receive said amalgamation, assignment or transfer of

stock as aforesaid, upon such terms, conditions and restrictions, as the respective companies may agree on; and the companies may so amalgamate as to constitute but one company, which shall not be done except by the consent of the stockholders; and if any of the stockholders in either of the companies thus amalgamating, that do not consent thereto, shall have the right to forfeit their subscription; *Provided*, they notify the president of the company in writing, within sixty days after said amalgamation is formed, and not otherwise.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 5, 1854.

## CHAPTER CCXVII.

AN ACT to incorporate the Henderson Masonic Female Seminary in Williamson county, and the Dancyville Male Academy, in Haywood county, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers to the Henderson Masonic Female Seminary, in the county of Williamson, be, and they are hereby created a body politic and corporate, by the name and style of the "Henderson Masonic Female Seminary," and in that name may purchase, receive and hold any property, real, personal or mixed, which may be given granted, sold, conveyed or devised to them, for the use and benefit of the Seminary; may use and dispose of the same as they may think best for the benefit thereof; and by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity.

**SEC. 2.** *Be it enacted*, That Samuel Henderson, Brice M. Hughes, John F. Hughes, M. C. H. Puryear, Henry Halfacre, Francis G. Ratcliffe and Frank. Hardeman, *Managers.* and their successors, shall be the managers of the Institution; and a majority of them shall have power to hold meetings at such times and places as they may think proper; to make by-laws, and to do all other acts consistent with their duties as such managers. Vacancies in their body, caused by death, resignation or

otherwise, shall be filled by the subscribers from among themselves by election ; and in default of such election, vacancies shall be filled by the remaining managers, from among the subscribers.

SEC. 3. *Be it enacted*, That the corporation shall be governed in all things not herein expressed, by the constitution and such by-laws, rules and regulations, as the managers may from time to time adopt.

SEC. 4. *Be it enacted*, That no subscriber shall be held liable for any sum of money beyond the amount of his subscription, nor shall the association have power to bind him for a larger sum, except by his consent.

SEC. 5. *Be it further enacted*, That William Nolen, Felix McFarland, F. B. Ragland, H. L. Douglass, S. A. Mimms, Thomas A. Adams, John S. Wyatt, Alvan Ragland, Nqah Damon, James W. Black, W. B. Pewitte, S. R. Carney, R. Morris and O. Alexander, and their successors in office be, and the same are hereby constituted a body politic and corporate under the name and style of the Trustees of the Dancyville Male Academy, and by that name and style shall have power to sue and be sued, plead and be impleaded in any court of law or equity in this State ; to have a common seal, and be capable in law or otherwise, to purchase, receive and hold real, personal or mixed estate, by purchase, devise or otherwise ; and to exercise all the rights and privileges common to corporations of this character, not inconsistent with the laws and constitution of the State of Tennessee or of the United States, under the limitations and restrictions hereinafter provided.

SEC. 6. Said Institution shall be governed by a board of not less than nine, nor more than fifteen trustees, who shall hold their office for a period of two years, and shall be empowered to elect all necessary officers, make rules and regulations for their own government and that of the school ; to fill all vacancies in their own body ; to keep a correct record of all their proceedings to be transmitted to their successors in office.

SEC. 7. The present board of trustees shall hold their office until the first Saturday in September, 1855, when their term of office shall expire, and a new board shall be elected ; and the election for trustees shall take place on the first Saturday in September every two years thereafter. In the event that the stockholders and patrons of the school do fail to elect at the time specified, in such case the board last elected shall remain in office until their successors shall be duly elected and organized. Such failure, however, to elect, shall

Dancyville  
Male Acad'my.

Annual election  
of directors.

cause no forfeiture of the right of the stockholders.

SEC. 8. Every subscriber who may have paid five dollars for the building of said Institution, shall be a stockholder; and all monies hereafter paid in raising funds for necessary repairs, improvements, library and apparatus, shall entitle the payor to the same rights and privileges as original stockholders; and all the patrons of the school, who may be such during the session preceding the election, shall be entitled to vote in the selection of trustees, and in other business of a conventional character; and it shall be the duty of the secretary to keep a true record upon his books, of the names of all subscribers and patrons to the school:

SEC. 9. The board of trustees shall have full power to arraign, try, suspend or expel any student for improper or refractory conduct in school; to employ teachers, fix the rate of tuition; to discharge the teachers at any time, for incompetency or improper conduct, and shall have full power to summon witnesses, by order of their chairman, in any case pending before the board, when the conduct of either pupils or teachers are questioned. A majority of the board shall constitute a quorum to transact all business pertaining to the school. The academy and all its appurtenances shall be exempt from taxation.

Powers of  
board.

SEC. 10. *Be it further enacted, That, whereas, it was the intention of the founders of this Institution to establish a school of learning for the common benefit of all, whatever might be their religious predilections; in pursuance of which it is provided, that this school shall not be made a sectarian Institution of learning, and that no religious test or qualification for office or membership shall ever be required of any of its officers or members, and that all may unite for educational purposes; and the only test that shall ever be required for membership shall be a belief in the existence of a Supreme Ruler and Governor of the Universe.*

Not sectarian.

SEC. 11. No alteration or amendment shall ever be made to this charter without the consent of two-thirds of the stockholders, and their action requiring a change shall be properly certified, both by the secretary and chairman of the board of trustees, to the legislature.

SEC. 12. *Be it enacted, That all the funds subscribed and contributed in anywise to, and for the use and benefit of the Clarksville Female Academy, is hereby declared a joint fund for the use and benefit of said academy, to be owned by the subscribers and contributors as joint stock, in shares of twenty-five dollars to the share,*

Clarksville Fe-  
male Aca'dmy.

when twenty-five dollars and more have been subscribed or contributed; *provided*, that where less than twenty-five dollars have been subscribed or contributed by any one, the aggregate of all such sums shall form a fund for the benefit of the poor of Montgomery county, to be appropriated by the board of trustees of said academy at their discretion.

Who are stockholders.

SEC. 13. *Be it enacted*, That all those who have subscribed and paid, or shall subscribe and pay the sum of twenty-five dollars or more, are hereby declared stockholders in said academy and academy fund, each, in all elections, to have as many votes as shares, including the Tennessee Annual Conference of the Methodist E. Church South, who is a subscriber and contributor to the amount of thirty-four shares; and that John F. Hughes is authorized to take charge of, and vote on the said stock of said conference, and act as its legal representative in that behalf until a successor shall be appointed by said conference; which successor shall have power, when so appointed, to act in the like capacity.

Board of Trustees.

SEC. 14. *Be it enacted*, That the stockholders shall, on the first Tuesday in July, 1854, elect a board of twelve trustees, under the direction of the existing board of trustees, who shall have power to appoint their own chairman, secretary and treasurer, manage and control the financial affairs of the institution, and with the president of the academy, fix the rates of tuition, give support and counsel to the president and faculty in the government of the academy, designate a president of the same, to be confirmed by the Tennessee Annual Conference, confirm or reject subordinate teachers nominated to them by the president of the institution, fill vacancies occurring in their own body, and make annually a public report of the condition of the academy; and until the board of trustees, in this section provided for, shall be elected and organized, the existing board of trustees shall exercise the rights and powers herein granted to the board to be elected as aforesaid.

SEC. 15. *Be it enacted*, That the one-half of the county academy fund, now appropriated to the use and benefit of the said Clarksville female academy by the act of 19th December, 1847, be, upon the warrant of the Comptroller, paid over to the chairman of the board of trustees by the Treasurer of the State of Tennessee.

SEC. 16. *Be it enacted*, That the stock of the shareholders may be transferred, if done upon the books of the stockholders, but not otherwise.

SEC. 17. *Be it enacted*, That the president and facul-

ty of said academy, with the concurrence of the board of trustees, shall have power to confer such degrees, honors, certificates or diplomas, as are usually conferred in like institutions of the first class, on such young ladies as shall be found to have made suitable proficiency in science or literature. May confer degrees.

SEC. 18. *Be it enacted*, That said share-holders, so as aforesaid, constituted stockholders, be, and the same are hereby created a body corporate and politic, and known by the name of the stockholders of the Clarksville Female Academy; to be and have existence for ninety-nine years; and by that name to sue and be sued, plead and be impleaded, contract and be contracted with, under a common seal, and to do, have, hold, and receive and enjoy all such rights and immunities as are granted to said Clarksville Female Academy by the ninth section of said act of the 15th January, 1846, chap. 58.

SEC. 19. *Be it enacted*, That John Read, Timothy P. Scurlock, Thomas W. Harris, Robert W. Wilson, Alex. W. Campbell, Robert Fenner and William Alexander, be, and are hereby constituted a body corporate by the name of the trustees of the "Read Temperance Academy," situated in the town of Jackson and county of Madison; and they and their successors, elected annually by the members of Jackson Division, No. 41, Sons of Temperance, shall be capable in law, to purchase, receive and hold to themselves and their successors, any lands, tenements goods or chattles which may be given, granted or devised to them, or purchased for the use and benefit of said academy, and to appropriate and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of said academy; and the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere, and use a common seal. Read Temperance Acad'y.

SEC. 20. *Be it enacted*, That said academy shall be established and situated upon the lot or parcel of ground now occupied and owned by said division, being lot No. 28, in the original plan of said town of Jackson; and that said lot or parcel of ground, with the buildings thereon, and such other building or buildings, houses or tenements as may be erected on the same, shall and may be and enure to the uses and purposes of a Temperance Hall and Halls and said academy, together with such other uses connected with said objects as the said division may direct, and to no other uses or purposes whatever. Academy grounds.

**SEC. 21.** *Be it enacted,* That said Division shall and may have the power to change the location of said academy, by sale and reinvestment of the proceeds of said lot and tenements, should it be deemed expedient; *provided,* equally suitable and valuable building or buildings be erected upon some other suitable spot of ground for the purposes of said academy, within or near the limits of said town of Jackson.

May change location.

**SEC. 22.** *Be it enacted,* That said Division shall have and hold the right of property in perpetuity to said lot and premises, so long as the same may be used or occupied as a Temperance Institution, by whatever name or plan the same may be called or conducted.

**SEC. 23.** *Be it enacted,* That in the event said lot and premises shall cease to be used as a Temperance Hall, and the object of promoting the cause of temperance be abandoned, said lot and premises, or other real or personal property, shall enure to the sole use and purposes of said academy forever.

**SEC. 24.** *Be it enacted,* That in the event of the occurrence provided for in the 23d section of this act, then the mayor and aldermen of the town of Jackson shall appoint trustees as now provided for in the 19th section, who shall have all the powers and privileges, and be liable to the same restrictions as those appointed by the Division.

**SEC. 25.** *Be it enacted,* That the trustees aforesaid and their successors, shall have power to hold such meetings, at such times and places as they may think proper, to elect one of their number president, and a secretary and treasurer of said board, may fill by election all vacancies that may occur by death or otherwise, and in case the Division should fail to elect a new board at their annual elections, the old board shall serve until a new board is elected.

Vacancies.

**SEC. 26.** *Be it enacted,* That a majority of said board of trustees shall constitute a quorum to do business, to elect teachers, and make by-laws and regulations relative to said academy; *Provided,* they are not inconsistent with the laws of the United States or the State of Tennessee.

Quorum.

**SEC. 27.** *Be it enacted,* That said corporation shall be entitled to all the rights, privileges and immunities of other charitable or literary institutions of this State.

**SEC. 28.** *Be it enacted,* That a college be established in Blount county, East Tennessee, on such lands to be owned by the corporation hereinafter mentioned, as shall be designated by the trustees of said Institution,

Ewing and Jefferson College.



for the promotion of science, literature and theology, which shall be known and distinguished by the name of Ewing and Jefferson College.

SEC. 29. *Be it enacted*, That A. Ish, William Henderson, William Rogers, S. D. W. Low, A. Matlock, Thos. Boyd, William H. Bell, William H. Russell, Joseph B. Dobson, James Blair, James Johnson, D. W. Amos and A. I. McGee, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Ewing and Jefferson College, as aforesaid; and by that name shall hereafter have perpetual succession, and a common seal. Trustees.

SEC. 30. *Be it enacted*, That the said trustees and their successors, by the name and style aforesaid, shall and may be competent in law to have and to hold, to receive and enjoy, lands, tenements, and hereditaments of any kind or nature, in fee, or for life, or years, and personal property of any kind or description whatever, and any sums of money of any amount that may be specified, which may be donated, granted or bequeathed to them for the purposes of building, erecting or endowing, or in any other manner supporting the said Institution, or facilitating instruction in any of the branches therein taught.

SEC. 31. *Be it enacted*, That the said trustees shall have full power and authority to elect a president, and such professors, tutors, and other officers of said college, as they may deem necessary; and the president and professors, when so elected, shall be constituted a faculty, which shall have full power and authority to cultivate and teach the arts and sciences, together with general literature and theology, in all their various branches, as the same are usually cultivated and taught in other literary and theological colleges; also to confer degrees of bachelor and master of arts, or any other degree of literary or theological distinction known or conferred in the United States upon any student or person. *Provided*, such student or person shall have attained to such standard of moral and intellectual culture as shall hereafter be required by said college; and that the said faculty and any five trustees shall constitute a quorum to form such by-laws, rules and regulations for the government of said college, and promotion of education therein, as they shall deem expedient or necessary. *Provided*, such by-laws, rules and regulations be not incompatible with the constitution and laws of the United States or of this State. Faculty.

SEC. 32. *Be it enacted*, That the said trustees shall

Semi-annual  
meetings.

meet semi-annually at the college edifice, unless, when assembled, they shall, by a by-law, order otherwise; and the times of meeting shall be fixed by the by-laws of the college regularly passed as hereinbefore directed; and when so assembled, any five of said trustees shall constitute a quorum to elect or fill vacancies in the board of trustees or faculty, to transact any business or concern of said Institution, to appoint agents, to fix the salaries of the president, professors, tutors or other officers or employees of the corporation, to remove any incumbents of the board of trustees or faculty for misconduct, inefficiency or neglect in office, and to do all other acts and things necessary and proper for the welfare of the college; and said trustees may adjourn from time to time, and set on their own adjournments for the transaction of any business of the corporation.

SEC. 33. *Be it enacted*, That the trustees aforesaid, by the name aforesaid, may sue and be sued, plead or be impleaded in any court of law or equity, and may grant, bargain, sell or assign any lands, tenements, hereditaments, goods and chattles belonging to them; and act or do all things whatsoever for the benefit of said Institution, in as ample a manner as any person or body politic or corporate can, or may by law do.

Occasional  
meetings.

SEC. 34. *Be it enacted*, That the president of said college, or any two of said trustees, shall have the full power and authority to call occasional meetings of the board of trustees, when by them deemed necessary; and that the president aforesaid, at each and every meeting of the board aforesaid, shall preside, except in cases of vacancies or absence of the president; under such circumstances, as well also as in the event the president himself should be on trial before the board, the trustees shall elect a president of the board *pro tem.*, and all acts of the board, so constituted shall be recognised in law as fully as when the president presides.

SEC. 35. *Be it enacted*, That this charter shall be deemed a public act, and as such, shall be judicially recognized without special pleading in any of the courts of law or equity in this State; and upon the unanimous petition and ratification of the trustees, said charter may be altered or amended by any subsequent Legislature.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 14, 1854.

## CHAPTER CCXVIII.

AN ACT to incorporate the Mechanic's Library Association of Fayetteville, and to reduce the several acts incorporating the town of Jackson into one act and to amend the same.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That James D. Scott, L. W. True, William French, James Castleman and L. D. Aikins and others, the members of the Mechanics' Library Association at Fayetteville, be and they are hereby created a body corporate and shall be known as such by their name of association, and shall have the following powers, to wit:

1. To have and enjoy the rights and powers incident General powers to corporate succession.

2. The power to sue and defend in any court of law or equity.

3. The power to make and use a common seal and alter the same at pleasure.

4. The power to purchase, hold and convey such personal property as may be necessary to carry into entire effect the purposes and objects of said association, and real estate not exceeding the value of twenty thousand dollars.

5. The power to choose a President and four Directors annually, and such subordinate officers and agents as the business and interests of the association may require, and to allow them suitable compensation from the funds of the association.

6. The power to make all by-laws not inconsistent with the existing laws of the State, as may be necessary for the government and disposition of the property and affairs of the association and the regulation of its corporate interests and business.

**Sec. 2.** *Be it further enacted,* That the town of Jackson and the inhabitants thereof be and they are hereby constituted a body corporate by the name and style of Corporation of "the Mayor and Aldermen of the town of Jackson," and Jackson. and by the name and style aforesaid shall have perpetual succession, and may have and use a common seal, and may by the name and style aforesaid, sue and be sued, plead and be impleaded; may have, receive, purchase and hold property, whether real, personal or mixed, and may grant, sell and dispose of the same, for the use and benefit of said town; and may make such contracts for Railroad depots, right of way, public grounds and promenades as may be deemed beneficial to said town.

**Boundaries.** *Sec. 3. Be it enacted,* That the corporation of the town of Jackson shall be bounded as follows, to wit: Beginning at the junction of the Bolivar and Tan-yard roads; thence east with the south boundary of Tan-yard street to the street running south from the south-east corner of the court house square; thence south seventy poles; thence east to a point directly south of the junction of the Lexington and Huntingdon roads; thence north to a point due east of the north-east corner of L. Lea's land; thence west to the Mobile and Ohio railroad, and with said road to a point due east of a point seventy-nine poles north of the north-east corner of Micajah Bullock's lot; thence west to a point north of the alley running between Wm. F. Still and A. Pigue's lots; thence south along said alley and on the west of said Still to the Brownsville and Denmark road, and thence to the beginning.

**Officers.** *Sec. 4. Be it enacted,* That the officers of said town shall be a Mayor, Board of Aldermen, Recorder, Constable and such other officers as may be provided for by the by-laws and ordinances of said corporation.

**Wards.** *Sec. 5. Be it enacted,* That there shall be a town council, to consist of the Mayor and Board of Aldermen. The town shall be laid off into four wards by the present mayor and aldermen, and the board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters of each ward respectively for one year.

**Of office.** *Sec. 6. Be it enacted,* That the mayor, recorder and constable shall be elected by the qualified voters of the town and shall hold their offices for one year and until their successors shall be elected and qualified: where two or more persons shall have an equal number of votes for either office, the election for that officer shall be decided by a majority of the votes of the council elect. A vacancy, whether temporary from absence or otherwise, shall be supplied in the same manner. The mayor shall preside at all meetings of the council, take care that all ordinances of the council are duly enforced, observed and respected, and to call special sessions of the council, when he may deem it expedient.

**Powers of council.** *Sec. 7. Be it enacted,* That the town council shall have full power and authority to appoint such officers, servants and agents of the corporation as they may deem necessary and shall provide for, by ordinances. They shall fix the compensation of such officers, from time to time; they shall have power to dismiss any officer,

servant or agent, by them appointed, two-thirds of said council concurring in said dismissal.

**SEC. 8.** *Be it enacted,* That an election for mayor, aldermen, recorder and constable shall be held in each ward of said town by the sheriff or coroner of Madison county, on the first Saturday of January, in each year. The places of holding the election, shall be fixed by the council, and the voters shall vote by ballot, and only in the wards, in which they may reside. Judges of elections shall be appointed by the council for each ward, who shall take an oath faithfully and impartially to discharge their duties. They shall open the polls at ten o'clock in the forenoon and close them at four o'clock in the afternoon, when they shall forthwith proceed to ascertain and certify to the existing mayor the result of such election. All legal voters, at the State elections, who have resided in the town six months shall be qualified to vote at such elections. In all cases of a tie in the election of an alderman, the council shall elect from among those thus tied. Elections.

**SEC. 9.** *Be it enacted,* That no person shall be elected mayor, recorder or constable, unless he be a qualified voter in the State and resident of said town twelve months previous to the election : and no person shall be elected alderman unless qualified as the mayor and also a resident of the ward at the time of said election. Removal out of town, and in case of alderman removal out of the ward, shall thereby vacate any of said offices. Qualification.

**SEC. 10.** *Be it enacted,* That the mayor and recorder of said town shall have jurisdiction of all offences and misdemeanors against the laws and ordinances of said council, and have all the powers of a justice of the peace within said town; and all fines and forfeitures imposed by the by-laws and ordinances may be enforced and collected before and by said mayor or recorder of said town or any justice of the peace of Madison county. Jurisdiction.

**SEC. 11.** *Be it enacted,* That the town council shall have the power and it is hereby made their duty to pass laws and ordinances regulating and defining the duties of recorder, constable and all other officers of the town requiring bonds, regulating finances, collecting taxes, making reports and settlements, providing for and collecting delinquent taxes, fines, and all other matters necessary and proper to carry out the provisions and purposes of this act and the laws and ordinances of said council.

**SEC. 12.** *Be it enacted,* That the town council shall have full power and authority,

General powers  
of council.

1. To levy and collect taxes not exceeding one per cent, for any and all purposes, upon all property taxable by law for State purposes.

2. To levy and collect taxes upon all privileges and polls taxable by law for State purposes.

3. To appropriate money and provide for the payment of the debts and expenses of the town.

4. To make regulations to secure the general health of the inhabitants and to prevent and remove nuisances.

5. To provide the town with water, by wells, cisterns or water-works, within or beyond the boundaries of the town and erect pumps on the streets or public grounds of the town.

6. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clear and keep in repair streets, alleys, and sidewalks.

7. To erect, establish and keep in repair, bridges, culverts, and sewers.

8. To establish, support and regulate a night watch and patrol.

9. To erect market houses, establish markets and regulate the same.

10. To provide for the erection of all buildings necessary for the use of the town.

11. To provide for the enclosing, improving and regulating all public grounds belonging to the town.

12. To license, tax and regulate auctioneers, grocers, merchants, brokers, coffee houses, confectionaries, retailers of liquors, hawkers, pedlers, negro traders and livery stables.

13. To license, tax and regulate hackney carriages, carts, omnibusses, drays and wagons, and to fix the rate for transporting persons or property.

14. To license and regulate porters and fix the rate of portage.

15. To license, tax, regulate or suppress theatrical and other exhibitions and amusements.

16. To regulate, prohibit or suppress all disorderly houses and bawdy houses.

17. To provide for the prevention and extinguishment of fires, and to organize, establish and regulate fire companies.

18. To regulate the police of the town, to impose fines, forfeitures and penalties for the breach of any ordinance and to provide for their recovery and appropriation.

19. To provide for the arrest and confinement until trial of all riotous and disorderly persons within the

town by day or night. To authorize the arrest and detention of all free negroes, slaves or suspicious persons found violating any ordinance of the town. General powers of council.

20. To regulate the time and circumstances at and under which slaves and free negroes may be absent from their respective places of abode and direct the punishment by fine and imprisonment or either for the breach of such regulations.

21. To prevent and punish by pecuniary penalties all breaches of the peace, noise, disturbance or disorderly assemblies in any place in the town by day or night.

22. To fix from time to time the boundaries of the wards of the town.

23. To pass all laws and ordinances that may be necessary to carry out the full intent and meaning of this act and to accomplish the object of this incorporation.

Sec. 13. *Be it enacted*, That it shall be the duty of the jailor of Madison county to receive and keep in said jail any person who may be committed to his charge for the breach of the laws and ordinances of said council; and all disorderly and riotous persons committed to his charge in the night time by any officer of the town, for which he shall receive the same fees as in other cases of imprisonment. Jailor.

Sec. 14. *Be it enacted*, That the officers of the town may charge and collect the same fees as justices and constables receive for similar services, except where the fees may be regulated by the ordinances of the council.

Sec. 15. *Be it enacted*, That there shall be prepared and published by the town council, a digest of all the laws, ordinances and resolutions of a public nature in force in said town, within twelve months after the passage of this act. Digest.

Sec. 16. *Be it enacted*, That this charter is hereby declared to be a public act, and may be read in evidence in all courts without proof or any special pleading.

Sec. 17. *Be it enacted*, That all acts and parts of acts contrary to, or inconsistent with the provisions of this act, be, and are hereby repealed.

Sec. 18. *Be it enacted*, That this act shall take effect and be in force from and after its passage, but shall not be construed to repeal any laws or ordinances of the present board of mayor and aldermen of said town; or in any way interfere with the present officers of said town; but they shall hold their offices under their elections until the election of officers under this act.

Memphis Theatre Company.

SEC. 19. *Be it enacted*, That a company in the city of Memphis, to be entitled the "Memphis Theatre Company," shall be, and is hereby established, with a capital of twenty thousand dollars, which may be increased to thirty thousand dollars; that the stock of said company shall be divided into shares of twenty-five dollars each, to be subscribed with the commissioners hereinafter named, and to be paid in as the directors to be elected may call for it.

SEC. 20. *Be it enacted*, That the subscribers for said stock, their successors and assigns, are hereby created a body politic and corporate, by the name and style of the "Memphis Theatre Company," and in and by said name they shall have capacity to contract and be contracted with, sue and be sued; to have and use a common seal; to negotiate their bonds for loans of money in such amounts, and upon such conditions, time and rates of interest as may be agreed upon by and between the parties; shall have authority to elect all necessary officers, and to pass and establish all by-laws, rules and regulations for the successful management of the affairs of said company.

SEC. 21. *Be it enacted*, That the object and business of said company shall be, to erect in the city of Memphis, an appropriate and handsome building for the legitimate drama, concerts, &c., and, by proper management, rules and regulations, to elevate the character of stage representations. And said company are authorized to purchase and hold, by their corporate name, a suitable lot for such a building in the city of Memphis.

Commissioners SEC. 22. *Be it enacted*, That J. R. Williams, J. Knox Walker, W. H. Carroll, J. J. Hodge, Wm. Armour, Samuel Vance, and D. T. Ash, are hereby appointed commissioners to open books for the subscription of the stock in said company; and they, or a majority of them, are authorized to keep said books open until a sufficient sum be taken for the stockholders in said company to meet and elect a board of directors of said company. Thereupon, said commissioners shall give ten days notice in one of the Memphis newspapers, of the time and place of meeting of said stockholders, for the purpose of electing a board of five directors, to whom shall be entrusted the management of the affairs of said company. Said directors, when so elected, shall elect a president from their own number, and fill all vacancies that may occur during the time for which they may be elected. Said directors shall hold their office for one year next ensuing the date of their election; and elec-



tions shall be held annually as the stockholders may direct or the directors appoint, and the old board may hold over till a new one is elected.

SEC. 23. *Be it enacted*, That each and every stockholder shall be liable for the full amount subscribed by him; but a payment in full of said subscription to the authorized agent of said company, shall be a discharge from further liability.

SEC. 24. *Be it enacted*, That the stock may be transferred by assignment upon the books of said company; and until such assignment is accepted by the president and directors of said company, and the assignee accepted in lieu of the original subscriber, the said original subscriber shall remain liable for his said subscription. Each and every stockholder shall be entitled to one vote for every share of stock owned, which may be given at elections in person or by proxy. Transfer of stock.

SEC. 25. *Be it enacted*, That Spivy McKissack, Martin T. Chairs, John W. Cheairs, Robert E. Thompson and John Haddox be appointed commissioners to lay off and designate the boundaries of the town of Spring Hill, in Maury county, which boundaries, when designated by said commissioners, shall continue until altered by the General Assembly. Spring Hill.

SEC. 26. *Be it enacted*, That when said commissioners shall have laid off and designated the boundaries of the town of Spring Hill, they shall notify the sheriff of Maury county, who shall thereupon proceed, after giving ten days' notice by advertisement in writing, to hold an election in said town to elect seven aldermen, who, when elected, are hereby constituted a body politic and corporate by the name and style of the "Mayor and Aldermen of Spring Hill," and by that name and style, shall have perpetual succession; shall sue and be sued, plead and be impleaded; and shall have and enjoy all the powers and privileges of other corporate bodies, to pass all necessary by-laws, rules and regulations for the government of said town; shall elect one of their own body mayor; may elect a recorder, treasurer and town constable; all of whom shall hold their offices for one year after they are elected and organized; and the qualified voters within the corporate limits of said town, shall hold an election annually for mayor and aldermen, at such time and place as the said corporation may appoint. They shall keep a record of the proceedings of said corporation; and shall have power to do all other things necessary for the benefit of said town, which may be consistent with the laws and constitution of the State. Organization.

**Bigbyville.** SEC. 27. *Be it enacted*, That James Kannon, John W. Witherspoon, James H. Brinkley, Dr. A. T. Boyd and George C. Stockard, be appointed commissioners to lay off and designate the boundaries of the town of Bigbyville, in Maury county, which boundaries, so designated, shall continue until altered by the General Assembly.

**Organization.** SEC. 28. *Be it enacted*, That when the said commissioners shall have laid off and designated the boundaries of the town of Bigbyville, they shall notify the sheriff of Maury county, who shall thereupon proceed, after giving ten days' notice in writing, by advertisement, to hold an election in said town of Bigbyville, to elect seven aldermen, who, when elected, are hereby constituted a body politic and corporate by the name and style of the Mayor and aldermen of Bigbyville, and by that name and style shall have perpetual succession; shall sue and be sued, plead and be impleaded; and shall have and enjoy all the powers and privileges of other corporate bodies, to pass all necessary by-laws, rules and regulations for the government of said town and corporation; shall elect one of their own body Mayor; may elect a recorder, treasurer and town constable; all of whom shall hold their office for the term of one year after they are elected and organized; and the qualified voters living within the corporate limits of said town shall hold an election annually for mayor and aldermen, at such time and place as the said corporation may appoint. They shall keep a record of the proceedings of said corporation; and shall have power to do all other things necessary for the benefit of said town, which may be consistent with the laws and constitution of the State.

**Camargo.** SEC. 29. *Be it enacted*, That the town of Camargo, in the county of Lincoln, is hereby incorporated with all the rights, powers and privileges usually given to incorporated towns in this State.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER CCXIX.

AN ACT to amend the act passed on the 27th February, 1852, entitled  
 "An act to incorporate the proprietors of Alderbourne Cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first five sections of said act be, and hereby are repealed.

SEC. 2. *Be it enacted*, Instead of said sections, that Orville Ewing, John M. Bass, Samuel D. Morgan, Nathaniel E. Alloway, William B. A. Ramsey, Moses W. Wetmore, Frederick K. Zollicoffer, A. W. Putnam, West H. Humphreys, Robert Lusk, John M. Lea, John A. McEwen, Collin D. Elliott, Charles Tomes, John B. McFerrin, James Woods, William Prichard, J. B. Hudson, Edwin H. Childress, John Trimble, E. H. Ewing, and Samuel Seay, and their successors, be, and hereby are created a body politic and corporate, under the name and style of "Alderbourne Cemetery," by which name they shall have power to contract and be contracted with, sue and be sued, have and use a corporate seal, make and alter by-laws, and do all other acts and things necessary and proper for effecting the object of their incorporation, which is to provide a place of burial for the dead.

SEC. 3. *Be it enacted*, That the said corporation may prescribe in their by-laws how the said corporation shall be organized for business, and how its organization shall be continued from year to year, appoint such officers of the corporation as they may deem necessary, and take such security from them to insure a faithful discharge of the duties assigned to them, as they shall think proper.

SEC. 4. *Be it enacted*, That the sixth, seventh, eighth, ninth and tenth sections of the act which this is intended to amend, shall, together with the preceding sections of this act, constitute the charter of said corporation.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER CCXX.

AN ACT to amend an act passed February 24, 1852, entitled "an act to incorporate the United Firemen's Insurance Company, of Nashville."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 8, 9, 10, 14 and 24, of the act of which this is an amendment, be, and the same are hereby repealed.

SEC. 2. *Be it enacted*, That three fifths of the capital stock of said company shall be held by the members of the different fire companies of the city of Nashville, and that the remaining two-fifths of the capital stock of said company may be held by persons not members of fire companies.

SEC. 3. *Be it enacted*, That stockholders who are not members of fire companies, shall be entitled to elect one director for each five hundred shares held by them.

SEC. 4. *Be it enacted*, That no transfer of stock shall be valid and effectual, unless the same shall be made on the books of the company, by and with the consent of the president and board of directors.

SEC. 5. *Be it enacted*, That in case of the death, resignation or disability of a director of said company, (of which disability the directors shall judge,) the vacancy shall be supplied by the board of directors for the remainder of the term.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 21, 1853.

## CHAPTER CCXXI.

AN ACT to incorporate the Mississippi, Tennessee and Kentucky Telegraph Company.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That E. S. Tappan, John D. Goodall, P. B. Glenn, John W. Harris, H. A. Montgomery, Robert Locke, Thomas G. Anderson, Milton Brown, and John A. Gardner, and their associates, who have acquired, or may hereafter acquire the right to construct and carry on Morse's Electro Magnetic Telegraph, on the route from Ripley, in the State of Mississippi *via* Holly Springs in said State, Jackson, in the county of Madison, in Tennessee, through the western portion of this State to the town of Hickman, in the county of Fulton, in the State of Kentucky, intersecting the Memphis and Nashville telegraph line within the State of Tennessee, be, and the same are hereby created a body politic and corporate, for the purpose of erecting and maintaining a line of said telegraph on the route aforesaid, and transmitting intelligence by means thereof, under the name and style of the Mississippi, Tennessee and Kentucky Telegraph Company, and as such corporators, shall have and exercise all the powers and privileges necessary for the construction and maintenance of said line; and that so soon as the said line shall be built and constructed, the company shall be organized by the election of its officers, and shall have and exercise all the rights, powers, privileges and immunities, which by law have been conferred upon the New Orleans and Ohio Telegraph Company, so far as the same are applicable.

SEC. 2. *Be it enacted*, That the capital stock of said company shall not exceed forty thousand dollars, in shares of twenty-five dollars each, to be issued to those who have heretofore, or who may hereafter furnish funds for the construction of said line of telegraph; and the holder and owner of said shares, shall, in the election of directors, be entitled to one vote for each share owned, and absent stockholders may vote by proxies, producing written authority from them; and in case of an equal number of votes on both sides, the election shall be decided by lot.

SEC. 3. *Be it enacted*, That the directors and all other officers of said company, shall hold their respective offices for one year, and until their successors shall be elected and installed, and shall exercise such powers

pertaining to the building and management of said telegraph, not repugnant to, or incompatible with the constitution and laws of this State, or the United States, as may be authorized by the by-laws of said corporation.

**Branch lines.** SEC. 4. *Be it enacted*, That in the construction of said telegraphic line, the company may connect such towns by a main line, or by branch lines, as to them seem expedient, feasible, and for the benefit of said company; and the capital stock may be increased to an amount sufficient for the construction of the same.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 2, 1854.

## CHAPTER CCXXII.

**AN ACT** to incorporate the Proprietors of Gravel Hill Cemetery at Savannah, Tennessee, in the County of Hardin and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That A. B. Campbell, Jas. Irwin, George F. Benton, W. H. Cherry, and L. H. Broyles, together with such other persons as may hereafter become proprietors of lots in Gravel Hill Cemetery at or near Savannah, Tennessee, and who shall, in writing, signify their assent to this act, their successors and assigns be and they are hereby created a corporation by the name of the Gravel Hill Cemetery.

SEC. 2. *Be it enacted*, That said corporation may take and hold in fee simple, either by purchase, gift, devise, or otherwise, any real estate not exceeding five thousand dollars' worth, to be by the proprietors of the cemetery aforesaid, dedicated and appropriated for a cemetery or burying ground, and for the erection of tombs, cenotaphs or other monuments for or in memory of the dead, and for this purpose to lay out the same or any part thereof in suitable lots or other subdivisions for family and other burying places; and to plant and embellish the same with shrubbery, flowers, trees, walks and other ornaments; and to enclose and divide the same with proper walks and enclosures, and to make and annex other suitable appendages and conveniences, as the

proprietors shall from time to time deem expedient, and whenever the said corporation shall so lay out or appropriate any of their real estate for a cemetery or burying ground as aforesaid, the same shall be a perpetual dedication thereof for the purposes aforesaid, and the real estate so dedicated shall be forever held by the said corporation in trust for such purposes and for none other, and the said corporation shall have authority to grant and convey to any person or persons, the sole and exclusive right of burial and of erecting tombs, cenotaphs and other monuments in any such designated lots or subdivisions, upon such terms and conditions and subject to such regulations as the said corporation shall by their by-laws and regulations prescribe, and every right so granted and conveyed, shall be held for the purposes aforesaid and for none other, as real estate by the proprietor or proprietors thereof, and shall not be subject to attachments or execution.

Sec. 3. *Be it enacted*, That in addition to the powers herein enumerated, said corporation shall have and enjoy all the powers usually conferred upon corporations in this State, to sue and be sued, plead and be impleaded, and if they see proper, to use a common seal; and the same to alter, break or remove at pleasure, or may provide by a by-law by any other mode they may see proper, instead of using a common seal, to give expression to the acts, or contracts of the corporation.

Sec. 4. *Be it enacted*, That the officers of said corporation shall consist of five trustees, a treasurer, secretary and such other officers as they may direct. The trustees shall be elected every two years, and shall hold their offices until others are elected, and they shall choose one of their number president, who shall also be president of the corporation; and they shall also choose the secretary and treasurer either from their own body or at large, and the said trustee shall have the general management, superintendence and care of property, expenditures and prudential concerns of the corporation, and of the sales of lots in said cemetery, and they shall make a report of their doings to the corporation at their annual meeting. The treasurer shall give bond for the faithful discharge of the duties and shall have the superintendence and management of the fiscal concerns of the corporation, subject to the revision and control of the trustees to whom he shall make an annual report, which shall be laid before the corporation at their annual meeting, and the secretary shall be under oath for the faithful performance of the duties of his

Officers and  
their duties.

office, and shall record the transactions at all meetings of the corporation and of the trustees.

**Meetings.** **SEC. 5.** *Be it enacted,* That the annual meetings of said corporation shall be held at such time and place as the by-laws shall direct, and the secretary shall give notice thereof in one or more public places in the county of Hardin, ten days at least, before the time of meeting, and special meetings may be called by the trustees in the same manner, unless otherwise directed by the by-laws, or by the secretary in the same manner, upon the written request of twenty members of the corporation. **Quorum.** At all meetings of the trustees, a majority shall constitute a quorum for business, and all questions shall be decided by a majority of the members present and voting either in person or by proxy.

**Succession of lots.** **SEC. 6.** *Be it enacted,* That the lots in said cemetery shall be indivisible and upon the death of any proprietor of any lot in the said cemetery, the devisee of such lot or the heir at law, as the case may be, shall be entitled to all the privileges of membership as aforesaid, and if there be more than one devisee or heir at law, the board of trustees for the time being shall designate which of the said devisees or heirs at law shall represent the said lot, and vote in the meetings of the corporation; which designation shall continue in force until by death, removal or other sufficient cause, another designation shall become necessary, and in making such designation the trustees shall, as far as they conveniently may, give the preference to males over females, and proximity of blood and priority of age, having however due regard to proximity of residence.

**SEC. 7.** *Be it enacted,* That it shall be lawful for said corporation to take and hold any grant, donation or bequest of property, upon trust, or to apply the income thereof under the direction of the board of trustees, for the improvement or embellishment of said cemetery, or of any buildings of said corporation, or of any individual proprietor of a lot in the cemetery, or for the repair, preservation or removal of any tomb, monument, grave stone, fence or railing, or other erection in or around any cemetery lot, or for the planting or cultivating of trees, shrubs, flowers, or plants, in or around any cemetery lot, according to the terms of such grant, donation or bequest; and any court having equity jurisdiction shall have full power and jurisdiction to compel the due performance of the said trusts, or any of them, upon a bill filed by a proprietor of any lot in the said cemetery for that purpose.



**SEC. 8. *Be it enacted,*** That the persons named in the first section of this act be and they are hereby appointed trustees of said cemetery until the first annual meeting of the members of said corporation, and until other Trustees. trustees are chosen in their stead, and that the said trustees appointed by this act shall have the power of calling the first meeting of the members of said corporation at such time and place as they may designate, giving notice in writing of the time and place at least six days previous to the time of meeting, in two or more public places in the county of Hardin, at which meeting all those who have contributed or may contribute up to that time to the purchase of land, or become purchaser of lots in said cemetery, shall be considered as members of this corporation; but after the sales of the lots of said cemetery none others shall be members of this corporation but proprietors of lots who have given their assent in writing to this act.

**SEC. 9. *Be it enacted,*** That the said cemetery shall be Exempt from and is hereby declared exempted from all public taxes taxes. so long as the same shall remain dedicated to the purposes of a cemetery.

**SEC. 10. *Be it enacted,*** That as before stated, regular annual meetings of the members of said cemetery shall Annual meet- be held at such time and place as may be designated inga. by the by-laws, but the trustees shall hold their offices for two years and until others are chosen in their stead.

**SEC. 11. *Be it enacted,*** That this act take effect from and after its passage.

**SEC. 12. *Be it further enacted,*** That William West, James E. Bridges, Amos T. Hassell, James Anderson, James E. Hughes, Cyrus Tyree, and L. Harlow, together with such other persons as may hereafter become Oak Grove Ce- proprietors of lots in Oak Grove Cemetery at or near metery. the town of Waynesboro in the county of Wayne, and who shall, in writing, signify their assent to this act their successors and assigns be and they are hereby created a corporation by the name of Oak Grove Cemetery, and that they shall be entitled to all the privileges and powers and subject to all the liabilities embraced in the act that this is intended to amend, incorporating the Gravel Hill Cemetery at Savannah in the county of Hardin.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 9, 1854.

## CHAPTER CCXXIII.

AN ACT to incorporate the Clarksville Female Institute, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That G. A. Henry, James A. Trice, Joshua Brown, Robert W. Humphreys, D. N. Kennedy, Thomas F. Pettus, James M. Quarles, William P. Hume, or those of whom may consent to serve, and their successors, be, and they are hereby constituted a body politic and corporate, by the name of the Clarksville Female Institute, and shall have perpetual succession; may have a common seal; shall be capable in law or equity, or otherwise, to purchase, receive, and hold any lands, tenements, hereditaments, goods or chattels, which may be granted, given or devised to them, or purchased by them, and to receive and hold donations or benefits, in trust for the benefit of said Institute, and to appropriate, use and dispose of the same for the use and benefit of said Institute; and may sue and be sued, plead and be impleaded in said corporate name, in any court of law or equity in this State or elsewhere; and if any person or persons give, grant, devise or bestow upon said Institute the sum of five thousand dollars, said corporation, by vote of a majority of its trustees, elected as hereinafter provided, is hereby authorized and empowered to change the name of said Institute, either in honor of such donor or donors, or as he, she or they may request, direct, or desire; and all devises or gifts to said Institution, where the intention of the party giving or devising is evident, shall be good and effectual in law, any informality to the contrary notwithstanding.

Organization.

**SEC. 2.** *Be it enacted,* That such of those persons named in section 1st, who consent to serve, shall have power, and are hereby authorized to open books and receive subscriptions of stock to said Institute, in the town of Clarksville, and at such other places as they may appoint; the shares in said Institute to be twenty-five dollars each, and the capital stock not to exceed fifty thousand dollars. When the subscriptions amount to ten thousand dollars, a majority of those named in the first section of this act, who have consented to serve, shall appoint a time and place in the town of Clarksville, at which to elect a board of trustees for said Institute, and shall give ten days' notice in writing, or in some newspaper published in said town, to the subscri-

bers of stock to said Institute, of said time and place of said election; and such stockholders as may attend in person or by proxy at such time and place, shall proceed to elect a board of nine trustees from the stockholders in said Institute; and in the election of trustees the owner of each share of stock shall be entitled to one vote for each share for the first ten shares, and for each additional ten shares to an additional vote. *Provided*, no one person shall have more than one-third of the votes of the whole company; and said stockholders, at any meeting where they may be entitled to vote, may be represented by a proxy, constituted in writing, who may vote for him or those whom he represents, according to his instructions, if he be instructed, and if not, as the proxy may deem best for the interest of the company; and the trustees in office at any time shall have power to take or have taken the balance of the capital stock, and collect the same.

SEC. 3. *Be it further enacted*, That a majority of said trustees shall constitute a quorum for the transaction of any business; that they may elect a president out of their own body; may elect a secretary and treasurer, General powers and such other officers as they may deem necessary, and may prescribe their respective duties. Said trustees and officers shall hold their offices for twelve months, (except those first elected, who shall remain in office until the day of annual election,) or until their successors are elected and qualified; and the day of annual election shall be fixed in the by-laws of said company, and shall not be altered. In case no election is made on the day specified therefor, then the officers of the preceding year shall hold over, and the president shall give five days' notice to the stockholders to assemble at a time and place and elect trustees for the current year; and if no such call is made by the president, then any three of the stockholders may issue such a call, and the trustees elected at such meeting are to be held and received as the trustees of said company; and the trustees shall have power to fill all vacancies in their own board, or in their officers, or in their teachers; and to make by-laws, rules and regulations for the government and conduct of said Institute, consistent with the laws of the land; and to elect a president, professors and teachers in said Institute, and in conjunction with the professors or teachers, to confer such degrees and literary honors as are usually conferred in literary institutions; may issue diplomas and certificates of proficiency

under the seal of the Institution, which must be signed by the president and secretary and a majority of the trustees; and they may do all other acts necessary and proper to carry out and fully execute the design of this charter, which is hereby declared to found, institute and sustain in the town of Clarksville, a permanent Institution for the education, culture and improvement of females. The trustees may, out of the funds of the corporation, purchase all grounds, erect all buildings, construct all improvements, and buy all apparatus and instruments they may deem proper; and if they think it expedient and to the interest of the stockholders, they may institute and establish a library and ordain the laws of its government, and elect the officers thereof; and if they contract any debt beyond the capital stock subscribed, they shall be jointly and severally, individually and out of their own private resources, liable for such debt to whomsoever they make such contract with, for such excess over the amount subscribed, but in no other case shall they be liable on contracts individually.

Payment of  
stock.

SEC. 4. *Be it enacted*, That the stock subscribed to this Institution shall be payable to the persons named in the first section of this act, who consent to serve, and their successors; and shall be paid in such calls as may be determined upon by those named in the first section, who consent to serve, or their successors, (not more than two-thirds to be called for in any one year;) and if any subscriber fails to pay any call for stock for thirty days next after the same may be due, he shall forfeit to the corporation what he has already paid it, and his amount of stock shall be advertised in print for three weeks next preceding, and shall be sold to the highest bidder for cash, all of which shall be due to the company; and if it do not sell for enough to pay the subscription of said stockholder, then the trustees may recover judgment against such stockholder for the deficiency, before any competent tribunal; and if there be an excess such excess shall be paid to the company as joint property of the whole company.

Exempt from  
tax.

SEC. 5. *Be it enacted*, That the property which said Institute may acquire under or by virtue of this charter, shall be forever exempt from State, county and corporation tax of any kind whatever.

SEC. 6. *Be it enacted*, That if, after the expenses of the institution are defrayed, there remain any profits on hand, such profits shall be appropriated to the payment of the debts of the corporation; and if there be no

Profits.

debts, or a surplus after paying the debts, then the profits or the surplus shall be paid out to the stockholders *pro rata*, according to their amount of stock.

SEC. 7. *Be it enacted*, That this corporation may be dissolved by the vote of two-thirds of the individual members of the company; and in case it be dissolved, the property and assets of the company shall be sold by the trustees, and the proceeds be divided among the then stockholders in proportion to their respective number of shares in said corporation. Dissolution.

SEC. 8. *Be it further enacted*, That the Institution, or the property belonging thereto, shall, at no time, belong to, or be under the control of any sect or denomination of christians, but the same shall belong to and be under the control of the stockholders and the trustees by them elected according to the provisions of this act; and there shall not be more than two members of any one religious denomination in any board of trustees at any one time. Not sectarian.

SEC. 9. *Be it further enacted*, That the Deluge Fire Company, No. 1., in the town of Clarksville, is hereby incorporated in the said name, with perpetual succession; with the privilege of a common seal, which may be altered or changed at the pleasure of the company; with power to acquire by purchase, by gift, by devise, or otherwise, real and personal property, to the value of ten thousand dollars, which property shall be exempt from all State, county and corporation tax so long as said company may possess and own it; with power to contract, buy and sell; to sue and be sued in the corporate name in any court of this State, or elsewhere; with power to found, institute or establish a library; to ordain and make such constitutional laws and by-laws as they desire, consistent with the laws of the land; and said company is authorized to impose fines and penalties for non-attendance, delinquency, insubordination, or failure to discharge specified duties on any of the members not exceeding twenty dollars per annum, which shall be recovered before any competent jurisdiction in an action of debt. Deluge Fire Co. No. 1, of Clarksville.

SEC. 10. *Be it enacted*, That said company shall consist of not more than one hundred working or active members, who shall be exempt, during their membership, from serving on juries, and from all military duty.

SEC. 11. *Be it further enacted*, That the sixteenth section of an act entitled "an act to incorporate the Thompson Academy, in the county of Williamson, and the trustees of Andrew College, at Trenton, and for other Brownsville Female Institute.

purposes," passed on the 12th February, 1852, be, and the same is hereby repealed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 13, 1853.

## CHAPTER CCXXIV.

AN ACT to incorporate Elm Wood Cemetery, near Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Davidson M. Leatherman, James M. Williamson, John W. Fowler, Willie B. Miller, William Ruffin, and such other persons as have subscribed, or may subscribe to a certain indenture of date the 14th of December, 1852, defining the objects of this association, as stockholders of the same, which said indenture has been duly registered in the Register's office of Shelby county, and State of Tennessee, in book No. 13, pages 109, 110, 111, &c., on the 15th of February, 1853, or such other persons as may be hereafter admitted as stockholders, in pursuance of the by-laws of this association, be, and they are hereby made a body politic and corporate in law, under the name and style of the "Elm Wood Cemetery," and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, plead and be impleaded, and to do all such other things as are incident to a corporation.

Capital stock. SEC. 2. *Be it enacted*, That the capital stock of the said corporation shall be divided into shares of five hundred dollars each, and shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as said corporation shall by its laws direct.

Power of managers. SEC. 3. *Be it enacted*, That the five persons named above, shall be managers of the said Elm Wood Cemetery, and shall have power to lay out and ornament the grounds; to dispose of and arrange burial lots; to appoint suitable officers and agents, and fix their compensation and duties; to make such rules and regulations,

from time to time, for the government of lot-holders and visitors of the company, as they may deem necessary; and shall be charged with the general care and management of the property and grounds of the company, and by and with the consent of a majority of the stockholders present at any general meeting of the same, make such by-laws, rules and regulations relative to the duty and election of managers or directors, and the general government of the affairs of the corporation as may be deemed expedient.

**SEC. 4.** *Be it enacted,* That said corporation shall and may take and hold real estate, and may sell and dispose of the same, to be used exclusively as a cemetery, or a Real estate. place for the burial of the dead, and such personal estate, and no more, as may be necessary for the purposes of this incorporation; and the lots and plats when conveyed to individual proprietors for the purposes aforesaid, shall be exempt from assessment or taxation, and not liable to be sold on execution, or to be applied to the payment of debts by assignment under insolvent law.

**SEC. 6.** *Be it enacted,* That an annual meeting of said corporation shall be held at such time and place as the by-laws shall direct. The managers or directory shall make report to the corporation at such annual meeting, of their doings and of the management and condition of the corporation.

**SEC. 6.** *Be it enacted,* That no roads or tracks shall hereafter be opened through the lands of the said corporation, except by and with the consent of the corporation.

**SEC. 7.** *Be it enacted,* That the said corporation may take and hold any grant, donation or bequest of property, upon trust, to apply the same, or the income thereof, under the order of the board of managers, for the improvement or embellishment of the said cemetery, or any lot or structure or monument thereon, consistent with the design and purposes of this act, and according to the terms of such grant, donation or bequest.

WM H. WISENER,

*Speaker of the House of Representatives,*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CCXXV.

AN ACT to amend the charter of the Memphis and Sommerville Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the Memphis and Sommerville Turnpike Company as requires the company to build their road to the county line of Fayette county, be, and the same is hereby repealed.

SEC. 2. *Be it enacted*, That the width of the road shall be eighteen feet, at least nine feet of which shall be made of wood or some other equally substantial material.

SEC. 3. *Be it enacted*, That the time for holding the annual elections for president and directors of Nashville Mur. and Shelbyville, Murfreesborough and Shelbyville Turnpike Company, shall hereafter be changed to the first Saturday in December of each and every year.

SEC. 5. *Be it enacted*. That the 4th section of an act to establish a system of Internal Improvements in this State, be amended by striking out the word *twenty*, wherever it occurs in said section, and inserting the word *ten*, so as to allow all the railroad companies entitled to the benefits of said act, and an act passed February the 8th, 1854, as an amendment thereto, to obtain the bonds of the State upon sections of *ten* miles instead of *twenty* miles, after the 1st section of thirty miles has been completed.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER CCXXVI.

AN ACT to amend the charter of the Eagleville, Unionville and Shelbyville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Eagleville, Unionville and Shelbyville turnpike company, be so amended that after the road shall have been constructed according to its present charter, that all that



part of said road lying south of Unionville, by the consent of the stockholders, shall be known as "the Southern division of the Eagleville, Unionville and Shelbyville turnpike road," and by that name shall have a separate corporate existence, with all the powers, and privileges, and all the liabilities and exemptions of the Eagleville, Unionville and Shelbyville turnpike company, so far as the same may be applicable, and said road and company may be divided at any time as aforesaid by the unanimous consent of the stockholders, whose stock is to be applied to the construction of said road south of Unionville, and shall in that event be constructed as required by the charter, and all contracts entered into by said company or their agents for the construction of said road shall be as binding on said southern division as on the original company.

SEC. 2. *Be it further enacted*, That said southern division may erect a toll gate within one mile of the store of William Collins & Co., in Unionville, and within one mile of the courthouse in Shelbyville.

SEC. 3. *Be it enacted*, That the commissioners appointed by an act passed the 24th February, 1852, entitled an act to revive the charter and to complete the construction of the Cumberland and Stone's River Turnpike Road, be required to collect and pay over all the tolls accruing from said road into the treasury of the State until they have paid the amount of the twelve thousand dollars appropriated to said road by said act, together with the interest thereon, and that after said amount shall have been paid, the stockholders may proceed to elect directors, who, in conjunction with directors appointed by the Governor, according to the provisions of the original charter, may take the entire management of said road, and proceed therein according to existing laws regulating turnpike roads in which the State has an interest.

SEC. 4. *Be it enacted*, That the said act of the 24th February, 1852, be and the same is hereby repealed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER CCXXVII.

AN ACT to incorporate the Jackson and Mifflin Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Saml. Lancaster, Milton Brown, Alexander Jackson, John W. Campbell, W. E. Butler, John Irving, William Collier, N. Holtom, John C. Greer, John C. M. Garland, of Madison county, and W. B. Hall, James Beaver, John Buckley, G. W. Pool, N. L. Glenn, O. F. Hendricks, John West, and H. D. Crook, of Henderson county, be, and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of fifty thousand dollars, to be applied to making a turnpike road from Jackson to Mifflin, with the power of extending the same to Lexington, and to build a branch to Jack's creek; which sum shall be divided into shares of twenty-five dollars each; and as soon as two thousand dollars are subscribed, a meeting of the subscribers shall be held at Jackson, of which said company shall give twenty days notice in some newspaper published at Jackson; and after the first meeting, shall be, and they are hereby constituted a body politic and corporate, by the name of the Jackson and Mifflin Turnpike Company, and shall so continue, and as such may sue and be sued, plead and be impleaded, answer and be answered, sell and purchase, and have a common seal.

SEC. 2. *Be it enacted*, That persons subscribing may subscribe and take so much of said road, designating the part and distance of the road so taken; which part so taken shall be built and finished by him or them so Stock in work. subscribing, in a good and substantial manner. When the road shall be finished and prepared for gates to be placed upon it, such part of the road as shall be built by stockholders, so subscribing to build so much of said road in work, the president and directors shall endeavor to fix upon the value of the work done upon said road by said stockholders so subscribing. If the president and directors and said stockholders cannot agree as to the value of the work done on the road as aforesaid, then three valuers thereof unconnected with the parties, shall be appointed by the president and directors, and two valuers by said stockholders as aforesaid, who shall proceed to value the work so done; and that valuation shall be placed upon the books of the company, and constitute so much stock in said turnpike company,

belonging to the stockholder or his assignees who may have performed said work.

**SEC. 3.** *Be it enacted,* That when the sum of two thousand dollars shall be subscribed to said road, five of the **Directors.** commissioners of said road shall call a meeting of the subscribers, who shall elect seven directors, who shall be stockholders, who shall elect one of their body president of the board of directors, who shall continue in office for two years and until another election shall take place to fill their places; of which election, ten days' notice shall be given by the treasurer of said company, to take place in the town of Jackson.

**SEC. 4.** *Be it enacted,* That said corporation, when formed, shall have power to appoint commissioners to mark out the most proper and direct route for said road.

**SEC. 5.** *Be it enacted,* That whenever said road shall be completed for five miles, commencing at Jackson, the said company shall erect one toll gate, and for every five miles thereafter throughout the whole route; *Provided,* no gate shall be erected within one mile of the towns of Jackson and Mifflin. **Toll gates.**

**SEC. 6.** *Be it enacted,* That said road may, if deemed expedient, be covered with plank, gravel, sandstone, or charcoal, of sufficient depth, or constructed in any other manner the said company may determine; *Provided,* a road be provided for public transportation and travel, not inferior to any in the county, built of the same material. **Style of road.**

**SEC. 7.** *Be it enacted,* That said company, when formed, shall have all the powers and privileges, and subject to the same regulations and restrictions defined by an act passed 31st December, 1838, and entitled an act to incorporate the Franklin turnpike company, which are not inconsistent with the provisions of this charter.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 24, 1854.

## CHAPTER CCXXVIII.

AN ACT to charter the Nelson's Creek and Versailles Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Newton C. Jordan, Archibald Wood, Johnson Wood, Samuel Perkins, Henry Pate, Minus Jordan, Newton McCord, John S. Claybrook, Thomas Pettis, William Covington, John Hailey and William Jackson, be, and they are hereby appointed commissioners to open books at any time and place they may choose, for the subscription of stock to be used in the construction of a McAmized turnpike road, running from the Farmington and Fayetteville Turnpike Road, to the town of Versailles in the county of Rutherford.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be sufficient to construct said road, divided into shares of twenty-five dollars each.

SEC. 3. *Be it enacted*, That so soon as five thousand dollars of the stock in said road shall be subscribed for in cash or labor, any three of said commissioners shall call a meeting of the stockholders of said company at the town of Triune, in the county of Williamson, by giving them ten days' notice of the time and place of meeting; and at such meeting, the subscribers for stock in said road shall elect seven directors, one of whom shall be president, who shall hold their offices for two years, and until their successors are elected.

SEC. 4. *Be it enacted*, That the president and directors may, in such manner as they think best, solicit and procure additional subscription for stock; and shall, either by themselves, or some competent person appointed by them, mark, lay out and locate said road, commencing at a point in the Farmington and Fayetteville Turnpike Road, near where Nelson's Creek crosses the same; thence eastwardly, through the lands of Newton C. Jordan, Archibald Wood, Edmund Lawrence and David Graves; thence on the most practicable route to the town of Versailles, in the county of Rutherford.

SEC. 5. *Be it enacted*, That the president and directors shall have power to let out and put under contract said road, in parcels great or small, as they may think best, to contractors for cash, or for stock in said company.

SEC. 6. *Be it enacted*, That said road shall be graded twenty-five feet wide and within five degrees of a level, covered with fine beaten stone or gravel, twelve feet wide and nine inches deep, leaving twelve feet for a

summer road, with suitable ditches or drains on each side.

**SEC. 7. *Be it enacted,*** That the said president and directors shall be, and they are hereby made a body politic and corporate; may sue and be sued, plead and be impleaded by the name and style of the Nelson's Creek and Versailles Turnpike Company; and shall have all the privileges, rights, powers and immunities given by law to the Franklin and Carter's Creek Turnpike Company.

**SEC. 8. *Be it enacted,*** That said company may erect a gate, charge and receive tolls on said road, so soon as they shall have completed five miles thereof, and may continue to erect gates and receive tolls for every additional five miles, so fast as the same shall be completed; and that the first gate on said road shall not be located nearer than three and one half miles of the Farmington and Fayetteville Turnpike Road. Toll gates.

**SEC. 9. *Be it enacted,*** That the said company may demand and receive the same tolls that the Franklin and Carter's Creek Turnpike Company receives.

**SEC. 10. *Be it enacted,*** That the president and directors of said company shall elect three freeholders, not interested in said road directly or indirectly, who, after being duly sworn, shall examine and value such portion of said road as may be built by the labor of the stockholders or undertakers, and return the same to the president and directors of said company, who shall issue a certificate of stock to such stockholder or undertaker for the amount of the valuation returned as aforesaid.

**SEC. 11. *Be it enacted,*** That Stephen Williams and Henry C. Morris and their associates, be, and they are hereby constituted a body politic and corporate by the name and style of the Middle Forked-Deer Levee Company, with power by that name to sue and be sued, plead and be impleaded; and generally to do and perform all acts and things which bodies corporate may lawfully do, for the purposes hereinafter named; and shall have a common seal, and succession for ninety-nine years. Middle Forked  
Deer Lev. Co.

**SEC. 12. *Be it enacted,*** That said company shall be authorized to construct a levee or bridge across the Middle Forked-Deer river near Dyersburg, to commence near the residence of Stephen Williams and terminate at the north bank of said river; and that said company shall be required to build a good and substantial bridge at least as high and as wide as the present one at the town of Dyersburg.

**SEC. 13.** *Be it enacted,* That said company shall construct said levee at least fourteen feet wide at the top, with one turn out for every distance of two hundred yards, and not less than sixteen feet wide; the whole of said turnpike to be above the highest rise of water heretofore known.

Style of road.

**SEC. 14.** *Be it enacted,* That said company shall be authorized to demand and collect the usual tolls, as provided in the nineteenth section of an act "to authorize the formation of turnpike companies in this State," passed 7th February, A. D., 1850.

Tolls.

**SEC. 15.** *Be it enacted,* That if any person shall, forcibly or secretly, pass the toll gate, such person, so offending, shall be liable to an action before any justice of the peace of the county of Dyer, for the amount of toll, and shall forfeit and pay to the company five dollars for every such offence, to be recovered by action of debt, as heretofore stated.

**SEC. 16.** *Be it enacted,* That said levee shall be commenced within one year from the passage of this act, and completed within three years from the commencement; and when completed it shall be the duty of the county court of Dyer county to appoint three commissioners, whose duty it shall be to inspect such levee and bridge, and if completed according to the provisions of this act, to report the same for record on the minutes of said court.

Dyersburg and  
Miss'pl. Plank  
Road and Tp.  
Company.

**SEC. 17.** *Be it further enacted,* That the Dyersburg and Mississippi Plank Road and Turnpike Company shall have three years longer time in which to complete their road.

Benton Mining  
Company.

**SEC. 18.** *Be it further enacted,* That E. H. Dunn, J. M. Alexander, J. H. Alexander, sr., J. H. Alexander, jr., and James Sloan, be and they are hereby constituted a body politic and corporate, under the name and style of the Benton Mining Company, and shall have, exercise, and enjoy all the rights, powers and privileges, franchises and immunities, and be subject to all the liabilities and restrictions extended to and imposed upon the Calloway mining company, by an act passed at the present session of the General Assembly incorporating said Calloway mining company.

**SEC. 19.** *Be it further enacted,* That E. H. Dunn, J. M. Alexander, J. H. Alexander, sr., John King and R. F. Cooke be and they are hereby constituted a body corporate and politic, under the name and style of the Turtletown Mining Company, and shall have, exercise and enjoy all the rights, powers, privileges, franchises

Turtletown Mi.  
ning Comp'ny.

and immunities, and be subject to the same duties, liabilities and restrictions extended to and imposed upon the Calloway mining company by an act passed at the present session of the General Assembly, incorporating said Calloway mining company.

SEC. 20. *Be it further enacted*, That E. H. Dunn, J. M. Alexander, J. H. Alexander, sr., J. H. Alexander, jr., and John King, be and they are hereby constituted a <sup>Mt. Pleasant Mining Co.</sup> body politic and corporate, under the name and style of the Mount Pleasant Mining Company, and shall have, exercise and enjoy all the rights, powers, privileges, franchises and immunities, and be subject to all the liabilities and restrictions extended to and imposed upon the Calloway mining company by an act passed at the present session of the General Assembly, chartering said Calloway mining company.

SEC. 21. *Be it further enacted*, That the board of mayor and aldermen of the town of Paris are hereby <sup>Town of Paris.</sup> authorized to extend the corporation of said town so as to square it upon its present limits.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed March 4, 1854.

## CHAPTER COXXIX.

AN ACT to charter the Cumberland Gap and Washington county Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Lawson Gifford, J. L. Burts, Y. L. Burson, L. C. Hoss, W. H. Crouch, A. E. Jackson, R. A. Thompson, James Haws, J. A. Wells, Hiter Crouch, of the county of Washington; Wm. Mullenix, G. R. J. Ames, T. F. Vancourt, V. Morgan, of the county of Sullivan; Eldridge Hourd, Lucien Brice, Geo. R. Powell, Jesse M. Lyons, Wm. C. Kifle, Jefferson Kyle, Dr. Poindexter, Jesse Cape, and George McCauley, of the county of Hawkins; A. J. Graham Lee, Jesse Alexander, — Treat, John Mills, James Kenner, Anderson Campbell, and Richard Mitchell, of the county of

Hancock; and John G. Newly, James M. Patterson, N. A. Evans, Thos. L. Davis, and James Cheek, Esq., of the county of Claiborne, be, and are hereby appointed commissioners to open books for the purpose of receiving subscriptions to build a turnpike road commencing at Cumberland Gap, and connecting with the Carter and Johnson turnpike road. The said subscription may be made payable in money or work to be performed on said road, to an amount of ten thousand dollars, which shall be divided into shares of twenty-five dollars each; and as soon as the sum of ten thousand dollars shall be subscribed, a meeting of the stockholders shall be held at Rogersville, in Hawkins county, of which twenty days' notice shall be given in the newspapers published in Rogersville and Jonesborough; after which first meeting, the stockholders shall be, and they are hereby constituted a body politic and corporate, by the name of the Cumberland Gap and Washington county Turnpike Company, and together with those who may afterwards subscribe for or purchase stock, shall so continue, and may own, sell or buy property sufficient for all the purposes of said road; may sue and be sued, plead and be impleaded in all the courts of this State, or elsewhere, in their corporate name and character, and have and enjoy, and possess all the rights, privileges and powers appertaining to bodies politic and corporate by law, and shall have succession for ninety-nine years. The subscribers, or a majority of them in interest, at their first meeting, shall elect seven directors, who shall elect one of their number president of the board of directors, who shall continue in office for two years, and until others are elected, and qualified to fill their places. The president and directors shall have power to open books and receive subscription, as they may think best, for the remainder of the stock necessary to complete said road.

President and  
Directors.

SEC. 2. *Be it enacted*, That there shall be a meeting of the stockholders once every year, at such time and place as they, at their different meetings, may designate and appoint.

SEC. 3. *Be it enacted*, That it shall be the duty of said commissioners, or any two of them, to open books for subscription at the county seat of the counties through which said road may run, and at other such places as they may think proper, on the first Monday in May, 1854, and shall keep said books open for thirty days at least, successively, Sundays excepted, and should the amount required to be subscribed not be taken within

To open books



the time aforesaid, then it shall be the duty of said commissioners to continue to receive subscription until the whole amount is taken up, or at least a sufficiency to complete said road.

**Sec. 4. *Be it enacted,*** That the said commissioners, or a majority of them, at each of the places aforesaid mentioned, shall receive subscription for stock in said turnpike company during the time said books are directed to be kept open, and on each share shall demand and receive the sum of fifty cents.

**Sec. 5. *Be it enacted,*** That the president and directors of said company shall be and they are hereby vested with all the powers and rights necessary for the building, constructing and keeping in repair said road according to the law governing the first class roads in this State, of which description of roads, the president and directors shall cause said road to be made at all places where the ground which said road proposes will admit of it to be done, and shall erect bridges and causeways where necessary, and the whole stock and property of said road and the profits arising therefrom, shall be vested in the respective stockholders, their heirs, representatives and assigns in the proportion of their respective shares. Style of road.

**Sec. 6. *Be it enacted,*** That said company shall be vested with full power and authority to select their right of way on which to locate said road; and when any individual through whose land it may be laid out, shall be dissatisfied, if said commissioners and the individual through whose land said road may run cannot agree upon the damages, then the county court of the county in which said damages are demanded, shall appoint three disinterested freeholders, who, upon oath, shall assess damages to the objecting party for the amount of damages they may believe he, she or they do sustain by said road, for which amount of damages thus assessed, the stockholders shall be liable to the individual or individuals, and which may be collected as other debts before any court of justice of the peace having jurisdiction thereof, which suit or suits shall run in the name of the party injured, against the president, directors and stockholders of the Cumberland Gap and Washington county turnpike road, or the person or persons owning said road. Damages.

**Sec. 7. *Be it enacted,*** That the stock and shares of the said road may be transferred from one to another, by an assignment on the books of the company, and the balance of the amount of the subscription after the first Transferring shares.

payment, shall be paid at such time as the president and directors may call for the same for the use of the company in the prosecution of the work.

Gates and rates  
of toll.

SEC. 8. *Be it enacted*, That when said road is completed and made equal to a first class road, according to the laws of Tennessee, as contemplated by the fifth section of this act, the president and directors shall be authorized to erect one toll gate on said road in each county at any point they may think proper, and shall be authorized to demand and receive the following rates of toll, to wit: For each four wheeled carriage of burthen, if drawn by four or more horses, mules, or oxen, one dollar; if drawn by three, seventy-five cents; if drawn by two, sixty-two and one-half cents; if drawn by one, thirty cents; for each two wheeled carriage of burthen, if drawn by four or more horses, mules or oxen, fifty cents; if drawn by three, forty cents; if drawn by two, thirty cents; if by one, twenty cents; for each four wheeled pleasure carriage, with the driver and passengers, if drawn by four horses one dollar; if drawn by two, fifty cents; if drawn by one, thirty cents; for each two wheeled pleasure carriage, twenty-five cents; for each man and horse or mule, ten cents; for each led horse, mule or jack, not in a drove, five cents; if in a drove, two cents each; for each head of cattle, two cents; for each head of hogs or sheep, one-fourth of a cent; *Provided*, that no person, who resides in the county through which said road runs, shall be required to pay toll, except for droves of live stock and loaded wagons, for which they shall pay one-half of the above rates of toll; *And provided further*, That no person who may be going or returning in the prosecution of neighborhood business, or may be going to or returning from mill, muster, court, blacksmith shop or preaching, shall not be required to pay toll.

SEC. 9 *Be it enacted*, That it shall be the duty of said company, or person or persons, as the case may be, who may make and build said turnpike road, to cause said road to be graded so that it shall not rise more than one foot in ten, at all places where the ground will, by possibility admit of it, and the same shall be measured, and plainly mile marked.

SEC. 10. *Be it enacted*, That when said road shall be completed, it shall be the duty of the county courts of the  
Examiners, counties through which said road runs, on the application of said company or person or persons building and owning said road, to appoint three disinterested freeholders, and the company shall appoint three of their

own body (if said road has been sold out) who in conjunction with the three appointed by the court, shall examine said road and ascertain by actual observation whether it be completed in conformity with the provisions of the charter, and on said persons so appointed, or a majority of them, certifying in writing under their hands, that said road has been completed, said company or said person or persons, as the case may be, shall have power and authority to demand and receive the tolls hereinbefore stated; *Provided*, said persons so appointed for the aforesaid purpose, or a majority of them, shall once in every six months at least, and oftener upon satisfactory information they believe said road to be out of repair, to examine the same, and in case the same shall be found out of repair, the said persons shall then set the said toll gates open, which shall not be closed until said persons, or a majority of them, give their written certificates to the proprietor or proprietors, owner or owners of said road of its being put in repair under the penalty of one hundred dollars, to be recovered at the suit of the State; *Provided further*, that in the event one, two or all of said persons shall refuse to act, die, resign or remove out of said county, the county court shall proceed to elect another or others, as the case may be, and the said persons shall be entitled to demand and receive from the proprietor or proprietors of said road, the sum of one dollar each per day while engaged in the services required of them under this act; *Provided further*, that after said road has once been received by the persons appointed to examine it, there shall be but three persons continued as examiners.

*Sec. 11. Be it enacted*, That if any person shall forcibly or clandestinely pass or attempt to pass by said toll gate to evade the payment of the toll aforesaid, he, she or they shall, for every such offence, forfeit and pay said proprietor or proprietors the sum of five dollars to be recovered by action of debt, before any justice of the peace having jurisdiction thereof; and if any person shall sustain any damage on account of said road being out of repair, or by being detained by the keeper of said toll gate, such person shall be entitled to an action against the proprietor or proprietors for the damages by him or them sustained.

*Sec. 12. Be it further enacted*, That Elisha Guinn, of Bradley county, Tennessee, and his associates and successors, are hereby incorporated and made a body poli-

White Oak  
Turnpike Co.

tic, to be called the "White Oak Turnpike Company," with power and authority to open, construct, continue and keep in repair, a turnpike road, commencing at or on the farm once owned by Fautray A. Carter, at the foot of the White Oak mountain, in Bradley county, and running up the hollow by the said Elisha Guinn's house, and across the White Oak Mountain, and through the Lewis Gap, to the house where Raison Lewis now lives in Hamilton county, Tennessee, to be opened sixteen feet wide and twelve feet in the centre, clear of rocks, stumps, or other obstructions, and causewayed and bridged when necessary.

Road out of  
repair.

SEC. 13. *Be it enacted*, That said road shall always be kept in good repair; and if said road shall be permitted to remain out of repair for the space of sixty days at any one time, then it shall be the duty of the commissioners hereinafter appointed by this act, to set said proprietors' gate open until said road is put in repair, to be adjudged by said commissioners; and if said proprietor or proprietors, or any person for him or them, shall receive any toll during the time said commissioners set said gate open, said proprietor or proprietors, for every such offence, shall forfeit and pay the sum of ten dollars, to be recovered before any acting justice of the peace, having jurisdiction of the same, by any person who will sue for the same; and if said road shall be permitted to remain out of repair at any one time, for the space of twelve months, said charter shall be forfeited.

Rates of toll.

SEC. 14. *Be it enacted*, That John Anderson, of Hamilton county, and James Seaborn, of Bradley county, are appointed said commissioners for said road, whose duty it shall be, when said Guinn, or he and his associates, or the proprietor of said road, shall notify them that said road is completed and ready for use, to examine said road; and if said road, in their judgment, is in the order contemplated by this act, then they shall proceed to license said proprietor or any person for him, to keep a toll gate on said road, which license shall be under their hands and seals; and thereupon said proprietor or any person for him, shall erect a toll gate on any part of said road, and shall be entitled to receive the following rates of toll—to wit: For all wagons drawn by six horses, oxen or mules, twenty cents; also, by four horses, oxen or mules, fifteen cents; for all carts drawn by horses, oxen or mules, ten cents; for each four wheel pleasure carriage drawn by two horses or mules, ten

cents; for each pleasure carriage drawn by one horse or mule, five cents; for each man and horse, five cents; for each horse or mule in a drove, one cent; for each head of cattle in a drove, one cent; for each hog and sheep in a drove, one cent.

Sec. 15. *Be it enacted*, That said commissioners shall, before entering upon their duties, take an oath before some justice of the peace in this State, for the faithful performance of their duties, enjoined upon them by this act; and if any person or persons shall, arbitrarily, for the purpose of evading the payment of the toll, and pass said gate without the payment of said toll, such person or persons for every such offence, shall forfeit and pay to said proprietor the sum of ten dollars, to be recovered by action of debt before any justice of the peace in this State. Penalty for pass'g without paying toll.

Sec. 16. *Be it enacted*, That the said Guinn and his successors and heirs and associates, if any, and assign, or assigners, shall be entitled to hold and enjoy the privileges of this charter for fifty years, and be allowed two years from the passage of this act to complete said road.

Sec. 17. *Be it further enacted*, That John Shields, Jas. Gamble, Ezekiel Dunn, James Parks, Jacob L. McClary and E. P. Douglass, of Polk county, Tennessee, or any three of them, and their associates and successors, shall be, and they are hereby authorized to open a turnpike road, McAdamized road, or Plank road, as they may see fit, commencing at or near Bryant's Mills, in said county of Polk, on the Ocoee river, running the nearest and most practicable route to the Hiwassee river, at or near the mouth of Ocoee river in said county of Polk, a distance of about nine miles. John Shields' & others' road.

Sec. 18. *Be it enacted*, That the said road shall be opened sixteen feet wide, with sufficient ditches to drain and carry off the water.

Sec. 19. *Be it enacted*, That should any person through whose lands said road may pass, consider their lands damaged by said road, and in the event said commissioners cannot settle with such persons between themselves the amount of such damage, then, and in that case, the said commissioners shall choose one disinterested freeholder, and the person so complaining shall choose another, and the two thus chosen shall select a third disinterested freeholder, and the three thus chosen shall view the premises and assess the damages, taking into view the advantages and disadvantages of the road to said land, and their assessment shall be binding Damages.

upon the parties concerned, and the damages so assessed (if any) shall be recoverable by law before any tribunal having jurisdiction thereof.

**Rates of toll.** SEC. 20. *Be it enacted*, That so soon as said road is completed, said commissioners shall be allowed to put up one gate at any point on said road they may see fit, not hereafter prohibited by this act, at which they may charge and receive the following rates of toll, to-wit: For each wagon drawn by six horses, mules or oxen, thirty cents; for each wagon drawn by four horses, mules or oxen, twenty cents; for each two-horse wagon, cart or carriage of any description, fifteen cents; for each man on horse, five cents; *Provided*, nothing in this act shall be so construed as to compel any citizen of Polk county to pay toll on said road, when travelling either on horse-back or in a carriage.

SEC. 21. *Be it enacted*, That all bridges and causeways necessary to be built on said road, shall be at least fourteen feet wide.

SEC. 22. *Be it enacted*, That should said road be located and built on any county road or roads, no gate shall be allowed to be erected; or if said road is built upon any part of a county road, no gate shall be allowed to be erected on that part of said road.

**Road out of repair** SEC. 23. *Be it enacted*, That if any person passing on said road, (except such as are exempt from paying toll,) and refusing to pay the toll herein allowed, the gate-keeper may lawfully refuse such person or persons a passage; and in the event such person or persons shall refuse to pay and force a passage, such persons shall forfeit and pay a fine of five dollars for such and every offence, to be recovered by action of debt before any justice of the peace in the county of Polk; *Provided*, that if any person shall give information on oath before any justice of the peace of the said county of Polk, that the road is not in good repair, the justice shall issue his warrant directed to the sheriff or any constable to summon three disinterested freeholders, whose duty it shall be to examine said road and report to any justice on oath; and upon this report, if it should appear that said road is out of repair, the said justice shall have power, and is hereby authorized to issue his warrant to the sheriff or any constable to cause said toll gates to be opened, and the collection of all toll to be suspended until said road shall be repaired, and the said commissioners shall pay the cost, if said road should be reported out of good repair; and if any person should make the complaint and fail to have said road declared out of good repair,

the person thus making the application shall be taxed with the cost; *Provided further*, that if said road be declared out of order, and remain so for the space of twelve months, all the rights, privileges and immunities hereby granted, shall be forfeited and forever cease.

SEC. 24. *Be it enacted*, That the rights, privileges and immunities granted in this act, shall continue for ninety-nine years to said commissioners and their successors, and their heirs and assigns.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 24, 1854.

## CHAPTER CCXXX.

AN ACT for the benefit of the Nashville and Lebanon Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the president and directors of the Nashville and Lebanon turnpike company, are hereby authorized to appropriate a part of the tolls they may receive from said road, towards the continuation of a bridge across Mill Creek at some point near the Lebanon road, between the first and second toll gates; *Provided*, the said president and directors deem it to the interest of the State and the individual stockholders, to make the appropriation.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER CCXXXI.

AN ACT giving further time to John C. Vaughn and others to complete their turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John C. Vaughn and David Cunningham, David E. Hedgecock, and John Prock, of Monroe county, who were authorized by act of the General Assembly of the State of Tennessee, passed January 20th, 1852, to construct a turnpike road, have, and they are hereby declared entitled to the term of four years from the date hereof, to complete said turnpike road.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 21, 1853.

## CHAPTER CCXXXII.

AN ACT to amend an act entitled "An act to charter the Station Camp Creek Turnpike, in the county of Sumner, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fifth section, chapter one hundred and eighteen, passed February the 1st, 1850, be so amended as that the said company shall have the further time of four years from and after the passage of this act, for the completion of their road.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 2, 1854.



## CHAPTER CCXXXIII.

AN ACT to amend the charter of the Cornersville and Lewisburg Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the tenth section of an act entitled an act to incorporate the Cornersville and Lewisburg turnpike company, passed December 18, 1849, be so amended as to read as follows: Said company shall have the right to erect one toll gate for every five miles of road they may complete, said gates to be erected at such points on said road as the company may think most eligible, and said company shall not be required to observe the distance of five miles between each gate; *Provided*, that the average number of gates on said road shall not exceed one for every five miles; *And provided further*, no two gates shall be nearer to each other than four miles, or any gate nearer than one mile of any incorporated town or village court house; *Provided*, that nothing in this act shall authorize the location of a toll gate nearer than one mile and a half of Lewisburg by said turnpike company.

SEC. 2. *Be it further enacted*, That John Gilentine have the further time of four years to open and complete his turnpike road, leading from Spencer in Van Buren county, in the direction of Chattanooga, and that Wm. B. Hudelston and Seth Wright are hereby appointed commissioners on said road in the place of Jonathan Simmons and Henry P. Moore.

John Gilentine's road.

SEC. 3. *Be it enacted*, That the charter of the Franklin and Lewisburg turnpike company be so amended, that said company shall have the privilege of putting up their first gate on said road, opposite to or near John Snell's instead of at a point one mile and a half from Lewisburg, the object being convenience to water for a toll house.

Franklin and Lewisburg Turnpike.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 15, 1854.

## CHAPTER CCXXXIV.

AN ACT to repeal the 17th section of an act passed 10th February, 1852, entitled "an act to authorize Joseph Hutchinson and George Ricker to open a turnpike road in Greene county, and for other purposes."

**Section 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the 17th section of an act passed February 10, 1852, entitled "an act to authorize Joseph Hutchinson and George Ricker to open a turnpike road in Greene county, and for other purposes, be, and the same is hereby repealed; and the proviso in the 9th section of an act passed 3d February, 1852, entitled "an act to incorporate the Penitentiary Turnpike Company, shall hereafter remain in full force and effect, to the extent that all persons who reside, work upon, and travel the old Compton road, as far from the city of Nashville as where Hart's branch crosses said road, shall have the privilege of passing through the first gate from said city on the Penitentiary Turnpike road free of toll, so long as the said gate is located between the junction of said roads and said city.

**Section 2.** *Be it enacted.* That Robert Boles, sr., of the county of Fentress, be authorized to open and keep in repair a turnpike road, from a point north or north-east of Abraham Brown's, in Fentress county, on the Kentucky line, passing near to said Brown's, the most direct, practicable route, to intersect the Knoxville road, at or near Swartzburg, in Morgan county, with the privilege of erecting two gates and no more.

**Section 3.** *Be it enacted,* That for this purpose, the said Robert Boles, sr., be invested with all the powers, rights and privileges, and be subject to all the penalties and restrictions conferred and imposed on Alexander H. Montgomery and Robert Quarles, by an act passed on the 16th January, 1844.

**Section 4.** *Be it enacted,* That the privileges hereby conferred on said Robert Boles, sr., be continued to him for fifty years, and that James Brewster, James Peters and George Copley be appointed commissioners of said road, with the same duties and obligations imposed on the commissioners named in the said act of the 16th January, 1844.

**Section 5.** *Be it enacted,* That the said Robert Boles, sr., shall have four years, from and after the pas-

sage of this act, to complete said turnpike road.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 14, 1854.

## CHAPTER CCXXXV.

**AN ACT** appointing Commissioners on J. F. and W. J. Scott's Turnpike road, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That James Kelly and John Williams, of the county of Morgan, and R. P. Herndon of the county of Fentress, be, and they are hereby appointed commissioners on J. F. and W. J. Scott's turnpike road, to be governed by the same rules and regulations as commissioners on other turnpike roads in this State.

**SEC. 2.** *Be it further enacted*, That Daniel Smith, of the county of DeKalb, have the further time of four years to complete his road. Said road was chartered 31st January, 1848. Daniel Smith's road.

**SEC. 3.** *Be it further enacted*, That John Alberson, Samuel and Jesse York, of the county of Fentress, be, and they are hereby appointed commissioners on the "Taylor Turnpike Road," running from Jamestown towards Crossville, to be governed by the same rules and restrictions as commissioners of other roads in this State. Taylor Turnpike road.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CCXXXVI.

AN ACT to amend an act entitled an act to incorporate the Taylorsville Turnpike Company, and also the Blountville, Middleton and Elizabethton Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed 30th January, 1850, ch. 84, be so amended that the commissioners named in said act be authorized to re-open books for the subscription to the capital stock of said company, at such times and places as they may deem proper, and said company shall have until the 20th January, 1856, to comply with the provisions of said act.

SEC. 2. *Be it enacted*, That the Blountville, Middleton and Elizabethton turnpike charter, shall be so amended as to allow the commissioners mentioned in Blountville, Middleton and Elizabethton Tp. said act to re-open books for subscription to the capital stock of said company, and they shall have until the 20th January, 1856, to comply with the provisions of said act incorporating said company.

SEC. 3. *Be it enacted*, That nothing in the above named sections, shall be so construed as a repeal of said act for which this is intended to amend, save giving said companies further time to re-open books for subscriptions, and that Isaac Merrill, Jacob Thomas, J. D. Gaines and R. P. Fickle be and the same are hereby appointed additional commissioners to open books for subscription to the capital stock of said company, and that this act take effect from and after its passage.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CCXXXVII.

AN ACT to incorporate the Fountain Creek and Berlin Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*. That Hardin Mayberry, Samuel Ewing, Humphrey Hardison, Charles Hardison, Thomas Hardison, James B. Hiel, James Gallaway, M. Boren,

Joel Hardison, C. Cunningham, G. W. Whitson, and — Cochran, or any five of them, be, and they are hereby appointed commissioners to open books to receive subscriptions for stock for the purpose of building a McAdamized turnpike road from the terminus of the Columbia and Fountain creek turnpike road, at Patton's Mill, on Fountain creek in Maury county, to Berlin, in Marshall county, at such times and places as they may think best, either in cash subscriptions or in work; and all the above named persons, or so many of them as shall unite in making said road, or any other person or persons not named who shall aid in its construction, or any five of them, shall be commissioners to locate said road, and shall be, and they are hereby appointed a body politic and corporate, by the name and style of the Fountain Creek and Berlin Turnpike Company, and by that name may sue and be sued, plead and be impleaded, have a common seal and succession for ninety-nine years.

SEC. 2. *Be it enacted*, That the capital stock of said company shall not exceed twenty-five thousand dollars, and may be any sum less necessary to complete said road, to be divided into shares of fifty dollars each; and when the sum of five thousand dollars is subscribed, either in cash or in work to be done on said road, a meeting of the stockholders shall be held at such time and place as a majority shall designate, all being notified; and when assembled, they may proceed to elect directors, pass by-laws, and fully organize and put under contract the building of the road.

SEC. 3. *Be it enacted*, That the road shall be finished in all respects in the same manner as provided for in the Columbia, Mooresville, Lewisburg, and Cornersville Turnpike Company, and shall possess and enjoy all the privileges granted to said road, and be subject to all the restrictions provided for in said charter, not conflicting with the provisions granted in this charter.

SEC. 4. *Be it enacted*, That so soon as the road is completed from the terminus of the Columbia and Fountain Creek turnpike road in Maury county, to Berlin in Marshall county, they may erect two gates; one within one mile of Berlin, the other three or four miles from the terminus of the Columbia and Fountain Creek turnpike road, at Patton's mill on Fountain creek, and shall receive the same tolls as are provided in the first division of the said Columbia, Mooresville, Lewisburg and Cornersville turnpike company, exempting from toll such persons as provided for in said charter.

SEC. 5. *'Be it enacted*, That the work on said road shall be commenced within two years from the passage of this act, and shall be finished within four years after the subscription of stock sufficient to build the road.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER CCXXXVIII.

AN ACT to amend an act to incorporate the Hart's Ferry Turnpike Company, passed February 9, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Hart's Ferry Turnpike Company shall have the privilege of erecting two gates on the first five miles of said road, commencing at the river; *provided*, that neither shall be nearer than one mile of Hartsville, nor shall more than half toll be collected at either. *Provided, further*, that persons not having passed, nor intending to pass over any other part of said road than that between the river and the town of Hartsville, shall only be subjected to toll in the event they return on said road.

SEC. 2. *Be it enacted*, That to prevent imposition upon said company, persons passing said half gates, and subjected to toll by the act which this is intended to amend, shall, at the last gate passed, exhibit a card showing that the toll has been paid at the first gate, or they shall be subjected at said last gate to full toll.

Style of road.

SEC. 3. *Be it enacted*, That said road shall be graded twenty feet wide, with sufficient culverts, drains and ditches to carry off the water, and metalled sixteen feet wide, and otherwise finished in a good substantial turnpike manner.

SEC. 4. *Be it enacted*, That said company shall have the further time of three years from 1st January, 1854, to finish their road.

SEC. 5. *Be it enacted*, That before such company shall erect a toll gate or gates, they shall procure the county

court of one of the counties through which the road may pass, to appoint three disinterested persons to examine the said road, who shall be sworn a true report to make, and if said persons shall report that said road, or that part on which it is proposed to erect a gate or gates, has been finished according to this act, then an order shall be made allowing such gate or gates to be erected.

SEC. 6. *Be it enacted*, That subscriptions in such road may be made in work or cash; if in work, when the same shall be completed, if the stockholders cannot agree as to its value, they shall call in three disinterested persons, who shall carefully examine such work and assess its value, and report the same in writing to the board, which assessment shall be final; and the secretary is hereby requested to issue a certificate for so much stock in said company, to be signed by the president and countersigned by the secretary.

SEC. 7. *Be it enacted*, That certificates of stock shall also be issued to all cash subscriptions when paid by the respective subscribers; all which certificates are hereby declared assignable by endorsement thereon, to be acknowledged by the owner thereof in the presence of the president or secretary of the board, and by him recorded on the books of the company; which assessment and acknowledgement shall confer upon the assignee all the rights and privileges, and subject him to all the duties and liabilities of the original holder.

SEC. 8. *Be it enacted*, That said company are hereby authorized and empowered to pass all needful rules and regulations necessary for the successful operation of the same not inconsistent with this act, or the one which this is intended to amend.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, January 30, 1854.

## CHAPTER CCXXXIX.

AN ACT for the benefit of the Mansker's Creek and Springfield Turnpike Company.

*Whereas*, The county of Robertson has at no time received of the State of Tennessee any aid whatever, in the construction and building works of internal improvements, and in or about 1837, the State extended her aid to various turnpike roads by taking one-half or a part of the stock in said turnpike roads to assist in building said roads, and thereby aiding very much those counties in doing so, through which the roads run; *And whereas*, a company known as the Mansker's Creek and Springfield turnpike company has recently built a turnpike road in the county of Robertson from the Sulphurfork creek; thence through the town of Springfield and the county, to intersect with the Louisville turnpike road at E. P. Connells on Mansker's Creek, which road runs into the Gallatin turnpike road; both of the last mentioned roads are owned in part by the State, and said Mansker's Creek and Springfield turnpike is seventeen miles long and cost thirty thousand dollars, and said road drains the Red river valley, in which valley is situated twenty-two merchant mills, that are capable and do put up from sixty to two hundred barrels of fine merchantable flour per day, most of which pass over this road to the Nashville market, which has almost entirely excluded the Cincinnati, Louisville and Saint Louis flour from this market; which Red river flour heretofore found its way to the Cumberland river below this place, thereby greatly increasing the travel and transportation upon the Louisville and Gallatin roads, and enhancing the interest the State has in said roads, and the said Mansker's creek and Springfield turnpike company having paid twenty thousand dollars upon the cost of said road, and there is yet due and unpaid, ten thousand dollars, and said road is now completed and in fine traveling condition, upon which is situated three toll gates that are paying over two thousand dollars per annum, which is about 7 per cent per annum upon the cost of the entire road; Therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor is hereby authorized to issue to the president and directors of the Mansker's Creek and Springfield turnpike company, ten bonds of the State of Tennessee of one thousand dollars each, payable at ten years, bearing an interest



of six per centum per annum, payable semi-annually; *Provided*, that before the issuance of the bonds as above specified, by the Governor, the president and directors of the said Mansker's Creek and Springfield turnpike company shall first execute to the State of Tennessee a mortgage or such lien as the Governor may require upon the said Mansker's Creek and Springfield turnpike road, and all its fixtures, gates and gate houses, and every thing valuable belonging to said road, and that the Governor is hereby authorized to appoint a commissioner whose duty it shall be to attend to the interest the State may have in said road, to receive of the treasurer the interest semi-annually upon the bonds issued by the State.

SEC. 2. *Be it further enacted*, That it shall be the duty of the president and directors of said Mansker's Creek and Springfield turnpike road company to first pay the semi-annual interest upon the State bonds issued for the benefit of said Mansker's Creek and Springfield turnpike company; and it shall be a further duty to then provide yearly for a sinking fund sufficient to liquidate the State bonds at maturity, and that said money may be deposited in the treasury, placed to their credit, said fund, and thereby stop the interest of the amount so deposited; *Provided*, such deposit shall be in sums of five hundred dollars semi-annually, one thousand dollars annually; *Provided further*, that should said president and directors not provide such sinking fund at the end of five years, then it shall be the duty of the Governor to take full charge and possession of and control of said road, and after paying the interest as above specified on said bonds, then to appropriate all other monies arising from said road to the payment of said bonds at maturity, and should said road fail to create a fund sufficient to pay said bonds, then it shall be the duty of the Governor to advertise and sell said road after giving three months notice in two of the Nashville newspapers. and that he be authorized to appoint a bidder for the State, in order that the State may be held harmless in the premises.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER CCXL.

AN ACT to incorporate the Lebanon and Coles' Ferry Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Zack Tolliver, Paulding Anderson, William B. Campbell, Isaac G. Coles, John H. B. Coles, Joseph Johnson, Dr. James H. McFarland, John Britten, John Scott Williamson, R. Hallum, be, and they are hereby authorized, at such time and place as they may appoint and designate, to proceed to open books to receive subscription to a turnpike road from Lebanon to Coles' ferry on Cumberland river, in Wilson county, (the nearest and most practicable way,) which turnpike road shall be known as the Lebanon and Coles' Ferry Turnpike Road.

SEC. 2. *Be it enacted*, That the stock in said road shall consist of shares of twenty-five dollars each.

SEC. 3. *Be it enacted*, That when the aforesaid commissioners mentioned in the first section of this act, shall have received a sufficiency of subscription of stock to build five miles of said road. the said commissioners, or a majority of which shall constitute a quorum, shall publicly notify the stockholders, who shall meet at Lebanon at such time as said commissioners shall appoint and designate, and proceed to elect five directors, being shareholders, who shall elect one of their body president of the board of directors; and the president and directors thus chosen, shall have power to elect a secretary and treasurer. All of the officers so elected and chosen, shall hold their respective offices for one year and until their successors be chosen and appointed; which officers and stockholders are hereby created a body politic and corporate, under the name and style of the President and Directors of the Lebanon and Coles' Ferry Turnpike Company; and in that name may sue and be sued, plead and be impleaded, and may make such by-laws and regulations as shall be necessary to carry out the powers herein given.

SEC. 4. *Be it enacted*, That the president and directors shall have full power to make contracts with any person or persons, for the clearing, opening and making the said road along the route which shall have been marked out by a majority of the aforesaid commissioners mentioned in the first section of this act.

SEC. 5. *Be it enacted*, That said road shall be opened  
 Style of road. thirty feet wide, graded twenty-four feet, and shall be  
 gravelled with rock or creek gravel; the first coat

eighteen feet wide, nine inches thick in the centre, and six inches thick at the edges; the vacancies between the rock or gravel to be filled with dirt; the second coat of rock or gravel to be three inches thick in the centre, and ten feet wide, flaired to an edge; and said road shall be graded to within five degrees of a level; and said company shall build all such bridges, culverts and other drains, in such manner as will be durable and sufficient to drain said road at all seasons of the year; and when said road is thus made, they shall be allowed the same rate of toll at their respective toll gates, that is allowed on the Lebanon turnpike road.

SEC. 6. *Be it enacted*, That when five miles of said road shall be completed, commencing at Lebanon, said company may erect a toll gate upon the same, and charge toll; *And provided further*, that when said road be completed to Coles' ferry, the company may erect a second gate, and be allowed to charge the same rate of toll as at first gate. Gates and toll.

SEC. 7. *Be it enacted*, That the aforesaid commissioners may demand of such subscribers as may take stock in said road, such sums as to them may seem reasonable to facilitate the speedy completion of said road; and said commissioners are authorized to receive subscription for stock in said road, to be paid either in money or work, in such proportions as said commissioners shall authorize or direct.

SEC. 8. *Be it enacted*, That the third section of an act to incorporate the Clarksville and Russelville turnpike road company, which relates to the collection of such stock as may have been subscribed, when the same is called by the proper authorities and not paid, be, and is herein adopted.

SEC. 9. *Be it enacted*, That if any person shall refuse or neglect to pay the toll hereby granted at the time of offering to pass, the toll-gatherer may lawfully refuse a passage to such person or persons, or things subject to toll aforesaid; or if any article or things liable to toll, shall by any means pass without payment when demanded by the toll-gatherer, the company may, by warrant from any justice of the peace, recover from the owner or persons in possession of such articles or subject of toll, five dollars for each offence.

SEC. 10. *Be it enacted*, That the said corporation shall exist and remain for the period of ninety-nine years.

SEC. 11. *Be it enacted*, That the company hereby incorporated, shall have all the powers and privileges, and be subject to all the duties and liabilities that the

Lebanon and Nashville turnpike company are by act of the General Assembly, passed 12th February, 1836, so far as the same are applicable to this act.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 16, 1854.

## CHAPTER CCXLI.

AN ACT to incorporate Wolf River and Kentucky Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John G. Simpson and L. D. Simpson and Daniel Simpson of the county of Fentress, be and they are hereby constituted a body politic and corporate, by the name and style of Wolf River and Kentucky Turnpike Company, and as such are authorized to open and keep in repair a turnpike road, commencing at the ford of Wolf river in Fentress county near Crockett's old stand; thence to the Kentucky line at or near where the Monticello road crosses said line by way of James Lathem, William Travis and D. C. Travis.

SEC. 2. *Be it enacted,* That said company shall open said road twenty-four feet wide, clear of timber, and sixteen feet clear of roots, rocks and other obstructions that might impede the progress of wagons or other carriages, except on hill or mountain sides, which shall be twelve feet, and bridge all water courses that the commissioners may deem necessary, with good substantial materials, with sufficient banistering on the same, causeway all places on said road that might become difficult passing, which it shall be fifteen feet wide.

SEC. 3. *Be it enacted,* That William Travis, D. C. Travis and Haleb Harmon, be and they are hereby appointed commissioners to view said road, whose duty it shall be, when notified by said company that said road is in the repair contemplated by this act, to proceed and examine said road, and if they find such to be the case, they shall issue a license to said company or their

agent authorizing them to erect a gate on said road and demand and receive from any and every person passing said road at said gate, except persons going to and from church, mill, court, muster or blacksmith shop, the following toll, to wit: for each wagon drawn by six horses, mules or oxen, seventy-five cents; by four, fifty cents; by two, twenty-five cents; for each pleasure carriage, drawn by two horses or mules, forty cents; by one, twenty five cents; for each man and horse, ten cents; for each led horse or mule, five cents; for all horses, mules and cattle, three cents per head, and for hogs and sheep, one cent per head.

SEC. 4. *Be it enacted*, That the commissioners appointed by this act, shall, before entering on the duties of their appointment, take an oath for the faithful performance of all the duties enjoined upon them by this act; and they shall be entitled to demand and receive the sum of one dollar and fifty cents for each day they may be engaged in examining said road, which shall be paid by the proprietors of the road.

SEC. 5. *Be it enacted*, That the proprietors of said road or any other person for them, shall, before receiving any toll as provided for in this act, take an oath to do equal justice to the corporation and all other persons.

SEC. 6. *Be it enacted*, That if any person or persons shall pass said gate arbitrarily or go around said gate for the purpose of evading said toll, such person or persons for every such offence shall forfeit and pay to the proprietors of said road, the sum of ten dollars to be recovered by action of debt before any justice of the peace in this State.

SEC. 7. *Be it enacted*, That the said proprietors shall be entitled to hold and enjoy the privileges of this charter for fifty years, and be allowed four years to complete said road; *Provided*, the citizens of the county of Fentress shall be exempt from paying any toll at said gate.

SEC. 8. *Be it enacted*, That if said road shall remain out of repair for the space of thirty days at any one time, then it shall be the duty of the commissioners herein appointed by this act, to set proprietors' gate open until said road be put in repair, to be adjudged by said commissioners, and if said proprietors or any other person for them, shall receive any toll during the time said commissioners set said gate open, said proprietors, for every such offence, shall forfeit and pay the sum of ten dollars, to be recovered by action of debt before any acting justice of the peace in this State, by any person

who may sue for the same ; and if said road shall be permitted to remain out of repair for the space of six months at any one time said charter shall be forfeited.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 28, 1854.

## CHAPTER CCXLII.

AN ACT to incorporate the Williamsport and Columbia Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. E. Kenedy, Ben. Harland, J. W. S. Frierson, Henry Kinser, Jno. B. Hamilton, Robert W. Dobbin and David McCan, be, and are hereby appointed commissioners to open books at such time and place as they may think proper for subscription of stock in shares of twenty-five dollars each, which may either be paid in cash or in work upon a turnpike road hereinafter to be incorporated ; said road to commence at the corporate limits of the town of Williamsport, and to follow the bed of the old dirt road from Williamsport to Columbia as near as practicable, intersecting the Columbia and Hampshire Turnpike at such point as the directors may think best.

SEC. 2. *Be it enacted*, That the capital stock in said road shall be sufficient to build the same, but not to exceed seventy-five thousand dollars ; that when a subscription, either in work or in money, of a sum sufficient to build five miles of said road, is subscribed, said commissioners shall call a meeting by giving public notice to the stockholders, who shall proceed to elect seven persons as a directory, all of whom shall be stockholders. Said directory shall elect one of their body president, and appoint a treasurer and secretary.

SEC. 3. *Be it enacted*, That the said president and stockholders be, and they are hereby constituted a body politic and corporate, under the name and style of the Williamsport and Columbia Turnpike Company, and by that name may sue and be sued, plead and be impleaded ; and shall have a common seal, and succession for ninety-nine years, with all the rights and privileges, and

powers belonging to the Columbia and Franklin Turnpike Company, except so far as this act alters the same. Said road shall be graded twenty-five feet wide upon the surface, and shall be McAdamised or graveled not less than eighteen feet wide, and not less than nine inches deep in the centre of the road, and six inches on the side. The central nine feet of said road may be covered to the depth of five inches with spawled stone; the balance to be covered with beaten stone or gravel, which shall not exceed two pounds in weight; and said road shall, in no instance, exceed five degrees in elevation.

**SEC. 4.** *Be it enacted,* That when the directors are elected as aforesaid and organized into a board, they, or a majority of them shall locate said road, and take all necessary steps to complete the same; and the same shall be completed within three years from the time the contracts are let.

**SEC. 5.** *Be it enacted,* That persons subscribing may subscribe and take so much of said road, designating the part and distance so taken, which when built and finished by said stockholders so subscribing, in a good and substantial turnpike road—like manner to be so ad- Gates and toll. judged by a competent engineer, appointed by the county court for that purpose; the value thereof shall be ascertained by three disinterested persons, unconnected to either party, to be selected by said court, who, after taking an oath to do justice in the premises, shall proceed to place a value on each lot thus built; which amount, so paid in work, shall be placed to the credit of said subscribers, and stand as so much stock paid in. If there be any portion of said road, not subscribed, to be done in work, it shall be the duty of the president and directors to let out such unfinished portion in lots to said bidders, to the lowest bidder, to be paid out of the cash stock of said company. And when said road is finished as contemplated by this act, said company shall be entitled to erect and keep up two toll gates; but said gates shall not be nearer to each other than five miles. Said company is hereby authorized upon the completion of any five miles of said road, according to the provisions of this act, to apply to the county court for an order to erect a gate upon the same; and it is hereby made the duty of said county court of Maury county to grant said order upon the application of said company, accompanied by the report of the engineer, showing that five miles of said road is finished in manner and form as contemplated by this act; and upon the opening of said

gate, said company may demand and receive the same rates of toll that is allowed to the Franklin and Columbia Turnpike Company. And upon the completion of the balance of said road, and the production of a like report of the engineer to the county court, it shall be the duty of said court to order the erection of another gate as provided by this act, and at which they may receive like toll. *Provided*, that no gate shall be erected within less than one mile of the town of Williamsport, or within less than one mile of the point where the Williamsport and Columbia road shall intersect the Columbia and Hampshire Turnpike road.

SEC. 6. *Provided, further*, that this road shall not be entitled to any State aid.

SEC. 7. *Be it further enacted*, That James H. Cowan, Joseph L. King, Campbell Wallace, Robert Craighead, William G. Swan, and A. L. Maxwell, be appointed commissioners, any two or more of whom may open books, at such time and place as they may choose, to receive subscriptions to the capital stock of the Knoxville bridge company, which is incorporated by this act.

SEC. 8. *Be it enacted*, That the capital stock of said company shall be fifty thousand dollars, and may be increased, if necessary, to one hundred and fifty thousand dollars, to be made up of shares of one hundred dollars a share; and so soon as fifty thousand dollars of said stock shall have been subscribed, the subscribers shall be a body politic and corporate, under the name and style of "The Knoxville Bridge Company," and as such, shall have power to sue and be sued, contract and be contracted with, and shall have all the powers and rights incident to a corporation for the purpose of erecting, maintaining and using a bridge across the Holston river, from any point in Knoxville between the mouths of first and second creeks, to the opposite bank of the river; *Provided*, that said bridge shall in no wise obstruct the navigation of said river.

SEC. 9. *Be it enacted*, That the affairs of said company shall be managed by five directors, to be chosen annually by the stockholders, and the directors first chosen shall hold their offices until their successors shall be elected; and in all elections, each stockholder shall be entitled to one vote for each share by him held, and may vote in person or by proxy.

SEC. 10. *Be it enacted*, That said company may elect a president, secretary, treasurer and other necessary agents or officers; may enact and establish by-laws for its better regulation; and may buy, or receive by gift



or otherwise, any grounds or lands necessary for its construction or use.

SEC. 11. *Be it enacted*, That the county court of Knox county, and the corporate authorities of the city of Knoxville, may each, or either, become subscribers to the capital stock of said company.

SEC. 12. *Be it enacted*, That said company shall begin the building of said bridge in one year from this time, and complete the same by the 1st day of January, 1856, otherwise this act shall be void and of no effect.

SEC. 13. *Be it enacted*, That the privileges of this charter shall continue for ninety-nine years; and that when said bridge shall have been completed, the said company may set up gates, and may charge and receive the same tolls prescribed in the third section of an act passed on the 21st day of October, 1812, entitled "An act to build a bridge across Cumberland river at Nashville, and to incorporate all the subscribers thereto."

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 24, 1854.

## CHAPTER CCXLIII.

**AN ACT** to extend the time for the completion of the Johnson and Carter Turnpike Road and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Johnson and Carter turnpike company, which was incorporated by an act passed the 4th of February, 1848, shall have the further time of two years from and after the passage of this act to open and complete the turnpike road mentioned in said act of incorporation.

SEC. 2. *Be it further enacted*, That it shall be lawful for the above named company to erect an additional toll gate on said turnpike road and charge toll at the same rates which is now allowed by law to be charged at the gate now open on said road.

SEC. 3. *Be it enacted*, That the further time of four

Nashville and Cincinnati rail-  
Cincinnati R.R. road company to complete the first thirty miles of their road in this State.

Lagardo Turn- SEC. 4. *Be it enacted*, That the Lagardo turnpike com-  
pike Comp'ny. pany have the further time of four years to complete their road.

Memphis and SEC. 5. *Be it enacted*, That the Memphis and Sommer-  
Somerville Tp. ville plank road turnpike company have the further time  
Road. of seven years to complete their turnpike road.

Taylorville SEC. 6. *Be it enacted*, That the Taylorville turnpike  
Tp. Company. company have the further time of ten years to complete their road.

WM H. WISENER,  
*Speaker of the House of Representatives,*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CCXLIV.

AN ACT to amend the act passed 3d February, 1848, entitled "an act to incorporate the Nashville and Hillsborough Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 20th section of an act passed February 3, 1848, entitled "an act to incorporate the Nashville and Hillsborough Turnpike Company, and for other purposes," be, and the same is hereby repealed; and that the further time of ten years from the passage of this law, be, and the same is hereby extended to said company, within which to complete the road mentioned in said charter.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CCXLV.

AN ACT to amend the law now in force regulating the Bean's Station Turnpike Road, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners of the Bean's Station Turnpike Road, shall, and it is hereby declared to be their duty to apply upon the new south road, between John May's and near Morristown, one-half of the amount of money usually applied annually upon that part of said Bean's Station turnpike road, situated between the said John May's and Cheek's cross roads; *Provided,* they do not apply more than half the amount heretofore annually applied to that part of said road from May's to said cross roads; *And provided further,* that all persons living on and near said road, be required to come under the same rules and regulations as to working said road, as are required by law of those living on Bean's Station turnpike road.

**SEC. 2.** *Be it enacted,* That Daniel Haynes, of the county of Grainger, be appointed commissioner on the Tazewell and Knoxville Turnpike road, in place of John Easley, resigned; and Jesse B. Lane, of the county of Claiborne, in the place of Isaac Miller. Knoxville and  
Tazewell Turn-  
pike road.

**SEC. 3.** *Be it enacted,* That the clerk of the county court of Claiborne county be appointed agent to settle with the commissioners of said Tazewell and Knoxville Road, and be allowed the same amount per day for his services, that the commissioners are allowed; and that they meet at the turnpike gate and make their settlements twice in each and every year.

**SEC. 4.** *Be it further enacted,* That the citizens of Claiborne and Grainger counties be allowed to pass through said turnpike gate free of toll, when on neighborhood business; and that this act take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CCXLVI.

AN ACT to amend an act entitled an act to incorporate the Waynesboro' and Savannah Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when said company shall be fully organized, they may call upon the Governor of this State, and it shall be his duty, and he is hereby authorized to endorse the bonds of said company to the amount of thirty thousand dollars, payable in ten years or less, as the president and directors of said company may determine, bearing interest at six per cent per annum, upon the following conditions: That said company shall notify the governor sixty days before making such application; and he shall authorize the circuit court judge of that district to appoint a commissioner on the part of the State, and he shall value and assess the value of such real estate as may be pointed out to him by the company, to the amount of sixty thousand dollars, and he shall investigate the titles to said real estate and then make his report to said judge; and said circuit judge shall proceed to take a lien or mortgage upon said real estate, and the amount of stock subscribed, together with the road, gates, tolls and fixtures of said corporation, in behalf of the State of Tennessee, as security for the payment of the above named bonds, endorsed by the State.

Company to  
pay interest on  
bonds.

SEC. 2. *Be it further enacted*, That said company shall pay the interest on said bonds semi-annually, on the first day of January and July in each and every year, into the Treasury of the State of Tennessee; and upon failure to do so by said company, the district attorney for said district shall appoint a receiver and take said road, gates and fixtures into possession, together with the bonds, mortgages, &c., and proceed to dispose of the same, or enough thereof to pay said interest and cost, &c.

SEC. 3. *Be it further enacted*, That said company shall have the further time of two years from and after the passage of this act, to commence said road, and six years thereafter within which to complete it.

SEC. 4. *Be it further enacted*, That the fifth section of an act passed February 11, 1852, entitled "an act to establish a system of internal improvements shall apply in as full force to this act as said section applies to the above mentioned act.

Commissioner  
to superintend.

SEC. 5. *Provided further*, That the bonds thus endorsed by the State and the proceeds of the bonds shall

be expended in the making of said road, and it shall be the duty of the Governor to appoint a commissioner to superintend the expenditure of the proceeds of said bonds and to negotiate the sale of said bonds.

SEC. 6. *Provided*, Said bonds shall not be sold by said commissioner for a less amount than their par value.

SEC. 7. *Provided, also*, That the company pay the salary of the commissioner to be appointed under this act.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 28, 1854.

## CHAPTER CCXLVII.

AN ACT to charter the Silver Creek and Lewisburg Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers for the stock hereinafter mentioned, shall be, and they are hereby constituted a body politic and corporate by the name and style of the Silver Creek and Lewisburg Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and shall have a common seal and succession for ninety-nine years.

SEC. 2. *Be it further enacted*, That Dr. William J. Anderson, William D. Steele, Gabriel L. Morton, E. R. Puckett, Benoni Gresham, Andrew Park, J. B. Hill, J. Dillehay, Washington Lancaster, James G. Harris, H. B. Welch, Robert Winston, William D. Ewing, and James V. Ewing, or any five of them, be and they are hereby appointed commissioners to open books to receive subscriptions for stock in said company at such times and places as they may think best, either in cash subscriptions or in work; and all the above named persons, or so many of them as shall unite in making said turnpike road, or any other person or persons, who shall take stock and aid in its construction, or any five of them, shall be commissioners to locate said road from Patton's mills on Fountain creek, so as to intersect the Franklin and Lewisburg turnpike road at William D. Ewing's, or at any other point on said road a majority of the commissioners may agree upon.

Commissioners

**Capital stock.** **Sec. 3.** *Be it further enacted,* That the capital stock of said company shall be twenty thousand dollars, or any less sum necessary to build said road, which shall be divided into shares of fifty dollars each, and when five thousand dollars shall be subscribed to said company, either in money or work, to build said road, a meeting of the subscribers shall be held at such time and place, as a majority shall designate, all being notified, and when assembled, they may proceed to elect directors, pass by-laws, and fully organize and put under contract the road.

**Gates and toll.** **Sec. 4.** *Be it further enacted,* That said company shall have two years from the passage of this act, to commence said road, and four years thereafter to complete it, with the privilege of putting up a toll gate when five miles are completed, and said company shall have the right of erecting two gates when the road is completed; one between Dr. Anderson's and the point of intersection with the Franklin and Lewisburg turnpike road, the other, between Benoni Gresham's and Patton's mills, and the company shall receive the same tolls as are provided for and allowed in the charter of the Columbia, Mooresville, Lewisburg and Cornersville turnpike company, exempting from toll the same descriptions of persons as are provided for in said charter.

**Directors.** **Sec. 5.** *Be it further enacted,* That the first election for directors shall be held as provided for in the third section of this act, and ever thereafter, on the third Saturday in January in each and every year, and that it shall be lawful for said corporation to have, hold, and purchase all such real estate as may be necessary for toll gates, and for other purposes contemplated in this act.

**Style of road.** **Sec. 6.** *Be it further enacted,* That the road shall be finished, in all respects, and in the same manner as is provided for in the charter of the Columbia, Mooresville, Lewisburg and Cornersville turnpike company, and shall possess and enjoy all the privileges granted to said road, and be subject to all the regulations and restrictions mentioned in said charter not conflicting with the provisions granted in this charter.

**Stock in work.** **Sec. 7.** *Be it further enacted,* That each stockholder shall have the right to pay his, her, or their stock in making road at valuation, and each person or persons, through whose lands said road may run, shall have the right to make the road through his, her or their land at valuation; *Provided,* he, she, or they will take stock in said road, as compensation therefor; and if it so happen,

that any person who may build roads under this section, and the directors cannot agree upon the value of said road, then the directors shall choose one person, and the person or persons who have built the road shall choose one person, and the two persons chosen, shall choose a third person, all of whom shall be disinterested and acquainted with the value of such work, who shall examine it and value the same, and their award shall be final, a majority of them agreeing.

Sec. 8. *Be it enacted*, That the directors may, if they deem it practicable, cause the road to be divided into sections of one mile each, subject to a sub-division of a half, a quarter of a mile, and may then proceed to let out said section or sub-sections to such contractor as shall offer to build the road at the cheapest price; *Provided*, a preference shall always be given to a stockholder who desires to pay his subscription in work.

Sec. 9. *Be it further enacted*, That the road may be extended from the point of intersection with the Franklin and Lewisburg turnpike road, so as to connect with the Farmington, Lewisburg and Shelbyville turnpike road, at the nearest, cheapest, and most practicable point, and to be finished in all respects as provided for in this charter, enjoying all the rights herein granted, and subject to all the restrictions herein named, and so soon as such extension is completed, the company may erect one toll gate thereon.

Sec. 10. *Be it enacted*, That an act passed 18th day of December, 1849, incorporating the Columbia, Mooresville, Cornersville and Lewisburg turnpike company, <sup>Lewisburg and</sup> be and the same is hereby so amended as to authorize <sup>Mooresville Tp</sup> and allow the president and directors of the Lewisburg <sup>Company.</sup> and Mooresville turnpike company, to remove their toll gate on said road, and put up said gate at a distance not less than three-quarters of a mile, or one mile (as they may think best) from the court house in the town of Lewisburg.

Sec. 11. *Be it enacted*, That whenever the turnpike road is completed all the way from Lewisburg to Mooresville, said president and directors may put up a toll gate at a distance not less than three-quarters of a mile from the town of Mooresville.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 10, 1854.

## CHAPTER CCXLVIII.

AN ACT to amend the charter of the Turnpike of Caldwell and Boyd, in Weakley county, and to reduce the toll on said road, and to charter the Petersburg and Lewisburg Turnpike Company.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That that portion of the turnpike road of Caldwell and Boyd, of Weakley county, chartered by the Legislature of 1827, and amended by an act of 1931, lying between the end of the levee near Thos. Bowers' and the basement of the bridge on Harris' fork of Obion river, be, and the same is hereby declared a public road, and not included within the boundaries of the turnpike road of Caldwell and Boyd; and the citizens assigned by the county court to work upon said road, also those working on, or living within the bounds of the Mill road, leaving the turnpike road near J. T. Holman's, and running to Scott and Southerlin's mills on the north fork of Obion river, shall be entitled to pass the said Caldwell and Boyd's turnpike gate, free from toll, freight wagons excepted.

SEC. 2. *Be it enacted,* That Beverly J. Milner, Wm. T. Wilson, Chapman Underwood, Wm. G. Hill, and Solomon K. Valentine, be appointed commissioners of said turnpike road, whose duty it is hereby made to procure the records, books and papers of the original commissioners, and file them with the county court clerk; and shall make out a rate of toll to be charged by said turnpike company, at about twenty-five per cent. less than they are now authorized to charge; and shall cause the rate of toll authorized to be charged by this act, to be spread upon the minutes of the county court, for which service the clerk shall be paid a reasonable compensation by said company. And the proprietors of said turnpike road, shall be allowed to receive at their toll gate the amount of toll specified by said commissioners; and the proprietors of said road shall be entitled to all the protection granted to the said turnpike road by the original commissioners.

SEC. 3. *Be it enacted,* That David McGahey, Henry Collins, Jas. A. Cowell, Thomas H. Hardin, William Crunk, Col. Henry Hardin, Washington Collins, B. Metcalf, Henry Broadway, Jas. Talley, P. V. Doss, Anthony H. Lund, and Joseph Morris, or any five of them, be, and they are hereby appointed commissioners to open books to receive subscriptions for stock, for the purpose of building a McAdamized turnpike road from Lewis-

Commissioners

Lewisburg and  
Petersburg Tp  
road.



burg to Petersburg, at such times and places as they may think best, either in cash subscriptions or in work; and all the above named persons, or so many of them as shall unite in making said road, or any other person or persons not named, who shall aid in its construction, or any five of them, shall be commissioners to locate said road; and shall be, and are hereby constituted a body politic and corporate, by the name and style of the Lewisburg and Petersburg Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have a common seal and succession for ninety-nine years.

SEC. 4. *Be it enacted*, That the capital stock of said company shall not exceed thirty-five thousand dollars, Organization. and may be any sum less necessary to complete said road, to be divided into shares of fifty dollars each; and when the sum of five thousand dollars is subscribed, either in cash or in work to be done on said road, a meeting of the stockholders shall be held at such time and place as a majority shall designate, all being notified; and when assembled, they may proceed to elect directors, pass by-laws, and fully organize and put under contract the building of the road.

SEC. 5. *Be it enacted*, That the road shall be finished, in all respects, in the same manner as provided for in the charter of the Lewisburg and Cornersville turnpike company, passed December 18th, 1849; and shall possess and enjoy all the privileges granted to said road, and be subject to all the restrictions provided for in said charter, not conflicting with the provisions granted in this charter. Style of road.

SEC. 6. *Be it enacted*, That so soon as five miles of said road are completed, commencing at Lewisburg or the Petersburg company, may erect one gate not to be nearer than one and a half miles from the court house of said town, and one gate for every additional five miles on said road, and shall receive the same tolls as are provided for in the charter of the Lewisburg and Cornersville turnpike road, exempting from toll the same descriptions of persons as provided for in said charter. Gates and toll.

SEC. 7. *Be it enacted*, That the company shall have one year from the passage of this act to commence said road, and three years thereafter to complete it.

SEC. 8. *Be it enacted*, That when the entire road is completed according to the requirements of this charter, the company shall have the right to erect three toll gates thereon; *Provided*, the gate next to Petersburg shall be at least one mile distant from said town.

**Marshall Central Turnpike.** SEC. 9. *Be it enacted*, That the bed of the Marshall Central turnpike, shall be cleared out twenty-five feet wide preparatory to putting on rock or gravel.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CCXLIX.

AN ACT to enable the citizens of Hancock county to construct a road across Clinch Mountain.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of four thousand dollars be, and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of making a road commencing at or near Mulberry Gap in the county of Hancock; thence the most practicable route to Sneedsville, and from thence across Clinch Mountain to Rogersville, or the Holston Valley in the county of Hawkins.

**Commissioners** SEC. 2. *Be it further enacted*, That John Graham, Lewis M. Jarvis, W. S. Rose, of the county of Hancock; and George R. Powell and John F. White, of the county of Hawkins, be, and they are hereby appointed commissioners, a majority of whom shall constitute a quorum to transact business; and in the event of the refusal to act as commissioners, by resignation, death or otherwise, then the county court shall fill such vacancies in their respective counties.

**To give bond.** SEC. 3. *Be it enacted*, That the board of commissioners hereby created, shall, before entering on the discharge of the duties of their office, give bond and security in the sum of eight thousand dollars, to be approved of in open court; made payable to the chairman of the county court of Hancock, and his successors in office, conditioned for the faithful performance of their duties, which bond shall be filed in the office of the clerk of the county of Hancock.

SEC. 4. *Be it enacted*, That before any of said commissioners enter on the discharge of their duties, they shall take an oath before some justice of the peace, or clerk

of the court of Hancock county, that they will faithfully apply the money so appropriated to the building of said road, and discharge the duties of said office without regard to local interest, and be governed in the location of said road with a view to promote the public interest, which oath shall be endorsed on the bond; and, *provided, further*, that when said commissioners have completed said road, and have complied with the provisions of this act, the clerk of the county court of Hancock shall issue his certificate stating the fact, which certificate shall be a sufficient voucher to the comptroller, and on presentation of the same the comptroller shall issue his warrant for the sum of four thousand dollars in favor of said road commissioners.

*Sec. 5. Be it further enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate*

Passed, March 2, 1854.

## CHAPTER CCL.

AN ACT to amend the charter of the Carthage and Hartsville Turnpike Company.

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee*, That the president of the board of directors of the Carthage and Hartsville turnpike company, may call a meeting of the board or of the stockholders of said company, at any time or place that he may deem proper, and a majority of the directors shall constitute a quorum. The number of stockholders that may be legally convened at any time, shall constitute a quorum to elect directors or transact any other business. The president may at any time appoint agents to receive additional subscriptions of stock, and the word *either* in the first line of section fourteen of the original charter, be, and the same is hereby stricken out, and the word *earth* inserted in its stead. In case of a vacancy or vacancies in the board of directors, the balance of the board may supply such vacancy or vacancies from the stockholders. The directors so appoint-

ed, shall have all the privileges, and be subject to all the liabilities of other directors, and hold their place or places until the next regular election of directors; and should any director or directors absent himself or themselves for more than three successive meetings, the board may at discretion declare his place or their places vacant, and appoint some other stockholder in his place.

**Toll gates.** SEC. 2. *Be it further enacted*, That whenever five connected miles of the road are completed, the directors may erect a gate thereon and receive toll, which shall exclusively belong to such stockholders as shall have built the same for stock, and such as have paid stock in money for building such part of the road, in proportion to the amount paid in labor or money. The stockholders shall bear all expense incident to erecting such gate or gates and repairing the road, until the balance of the road is completed and gates erected thereon.

SEC. 3. *Be it further enacted*, That such portions of the road on Snow creek and the Snow creek ridges, and Peyton's creek ridges, and Cumberland river banks, and Second creek, as the president and directors may select, may be metttled to such depth as they believe will constitute a firm, solid and smooth road, and of such an elevation and width as they may deem most expedient; *Provided*, that at no point shall the elevation exceed six and a half degrees, nor the width be less than twenty feet.

**Style of road.** SEC. 4. *Be it further enacted*, That all parts of the road completed to the satisfaction of the board of directors, and received by them or their agents appointed for that purpose, shall be held and taken for a legal road; *Provided*, that nothing herein contained shall prevent the directors from requiring of contractors a full compliance with the original charter, or in the least affect previous contracts, except when such directors in their sound discretion shall so decide; *And provided further*, that the road shall be made with a solid foundation and gravel surface, and nowhere less than twenty feet in width.

**Additional gate.** SEC. 5. *Be it further enacted*, That when said road is completed the company shall be entitled to one gate for every five miles of said road throughout; and should there be a fraction of a mile or miles left, after deducting the number of fives, then the company are authorized to extend their road so far east beyond the present eastern terminus as to make said fraction five miles, and be entitled to one gate for said five miles; and said board of directors are authorised to erect their gates at

such points as they may deem most expedient. *Provided*, that no gate shall be within less than four miles of another, nor more than one for each five miles, and may change their locations within the above rules when they choose. And *provided, further*, that the people traveling the Gainsboro' road shall not be charged toll at the first gate west of Carthage, in going directly to or from Carthage to their homes.

SEC. 6. *Be it further enacted*, That said company shall not be required to clear the road over thirty feet in width, of timber, unless where the directors specially direct the same to be cleared over that distance, and that said company shall not be required to build a bridge over Second creek in Sumner county, and shall have the further time of two years longer than specified in the original charter, to complete said road.

SEC. 7. *Be it further enacted*, That said company may extend their road from their eastern terminus eastward by White Plains, to the foot of Cumberland mountain, and also one branch to Sparta in White county, which road shall only be well graded twenty-four feet wide, with sufficient culverts and ditches to drain the same; and shall be entitled to one gate for every ten miles, and may erect one gate for every ten miles when so much is completed from either terminus; at which gates they shall be entitled to the same toll as at the five mile gates on the present Carthage and Hartsville road. Said company shall have four years from the passage of this act, to complete said road or roads. *Provided*, that said company shall build and keep in good repair, a safe and substantial bridge across the Falling Water in the county of White, at the foot of Bunkershill, and there erect one gate, which shall be the only toll gate on the Sparta and Carthage road, in White county. *Provided, further*, that there shall be but one toll gate on the Walton road, between the White Plains and the Smith county line, near Burton's Store, in Jackson county; and said company shall have the privilege of placing said gate at the junction of Walton's road, and the Sparta roads, at or near Allison's store, or at any point west of that place at their option. *Provided, further*, that the citizens of Jackson, White and Putnam, (should said county be re-established,) shall be exempt from paying toll at either of said gates.

SEC. 8. *And be it further enacted*, That all laws inconsistent with this act, be, and the same are hereby repealed.

SEC. 9. *Be it further enacted*, That the Bledsoe Creek

**Bledsoe creek Turnpike Co.** turnpike company may at their discretion, extend their road two miles from its present eastern terminus, or so far as may give said road ten miles from its junction with the Nashville and Louisville turnpike road, and so as to connect with the Hartsville and Carthage turnpike road; *Provided, however,* that the Bledsoe Creek turnpike company shall, by their secretary, give written notice to the president of the Hartsville and Carthage turnpike company of their intention to extend their road as herein provided, within twelve months from the passage of this act, and complete the same in two years from said time, or this section to be void; *Provided, also,* that whenever the Bledsoe Creek company shall signify their intention to extend their road, the end of such extension shall become the western terminus of the Hartsville and Carthage turnpike road.

**Stone fences.** *Sec. 10. Be it further enacted,* That where in grading and building said road, any stone wall has been made, or shall hereafter be made, it shall be lawful for the owner of the land on which said wall is built, to build a stone fence on said wall; *Provided, however,* if in building said fence the width of said road shall be reduced to less than the width required by the charter of said company, the owner of the land building said stone fence, shall extend the width of said road on the opposite side thereof, to the width so required by said charter; *And provided further,* that if said company insist that any damage has been sustained by reason of the building of said stone fence, said company may petition the circuit court; whereupon the court shall order the sheriff to summon a jury of five freeholders to view said road and fence, report whether or not said fence has injured said road, and if it has, to assess the damages sustained by said company in the premises, and upon the return of the report of said freeholders to the court, if confirmed by the court, judgment shall be rendered in favor of said company, for said damages and cost, or against said company for cost, as the said freeholders may report, for or against damages.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 26, 1853.

## CHAPTER CCLI.

**AN ACT** to incorporate the Ocoee Turnpike and Plank Road Company.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That D. H. Arnold, S. F. Tracy, A. E. Douglass, W. Delane, L. W. Gilbert, J. Stanton, J. Caldwell, J. Sloan, T. H. Callaway, D. C. Kenner, S. Congdon, and C. A. Proctor, with their associates, shall be, and are hereby constituted a body politic and corporate, by the name of the "Ocoee Turnpike and Plank Road Company," and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law for the term of ninety-nine years, and shall have succession.

**SEC. 2.** *Be it enacted,* That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, should it be deemed necessary for the completion of the road; which sum shall be divided into shares of twenty dollars each, to be applied to making a turnpike and plank road from the North Carolina State line near the copper mines in Polk county, following down the northerly bank of the Ocoee river to the mouth of Greasy creek; thence by the nearest and most direct line having the easiest grade, to Cleaveland, in Bradley county. The directors shall employ a competent and practical engineer to determine which is the most direct or shortest route, with the easiest grades. Capital stock.

**SEC. 3.** *Be it enacted,* That the road shall be graded at least fifteen feet wide, except at some Rocky Bluffs on the banks of, and in the Ocoee river, with a grade not exceeding five degrees, with substantial bridges, built where necessary, and also to lay down timber or plank, nine feet in width, wherever, in the opinion of the directors, the charter of the road requires it. Style of road.

**SEC. 4.** *Be it enacted,* That said company shall have five years within which to finish said road, with the privilege of putting up one gate when five miles of said road shall be completed, and one additional gate for every five miles of said road when completed; at which gates, tolls may be charged and received as follows, viz: At each gate they are authorized to charge and receive the same rates of toll allowed to be charged by the Memphis and Sommerville plank road company; and it shall not be lawful to open or construct any other road to run parallel to, and so near the said turnpike as ma- Gates and toll.

terially to injure the same; *Provided*, that said company may have the privilege of uniting two or more gates in one, and receive the same amount of toll at such place, as they would be entitled to receive at the several gates thus united.

**Directors.** SEC. 5. *Be it enacted*, That the corporators named in the first section of this bill, shall be the directors for the first year, any three of whom shall constitute a quorum, and until others are elected in their stead. The annual meeting of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors, the charter of the company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors may appoint one of their number president, and shall appoint such other officers and agents as they may deem proper, and affix their salaries; each stockholder shall be entitled to one vote for every share of capital stock. The company may contract debts to the amount of capital stock actually paid in.

**Damages.** SEC. 6. *Be it enacted*, That if any person over whose land said road may run, shall claim damage for the same, and the said person and the company shall disagree upon the amount, said person so aggrieved may apply to the circuit court at its next or any subsequent session, by petition, setting forth the nature and extent of this damage; whereupon the court shall appoint a jury of five disinterested persons, to go upon the ground and after being sworn by the sheriff, or some justice of the peace, assess the damages the petitioner has sustained by said road running through his or her land, or through the land of his or her ward, in the case of minors, which assessment of damage shall be made out, and signed by said jury, and returned to the next term of said court in said county, where said land is situated, and a judgment shall be entered by the court, and execution issued for the same, against the president and directors in favor of the person or persons entitled to the same. In making out their report said jury shall take into consideration the advantages of said road to petitioner. The property in said road when completed, shall vest in said company and their successors, for the



purpose of a highway, which shall be free to all persons, on the terms herein described, and the same shall not be liable to taxation.

SEC. 7. *Be it enacted*, That if any persons shall refuse to pay the toll hereby granted at the time of offering to pass, the toll gatherer may refuse the passage of such person or persons, and things subject to toll as aforesaid, or if anything or article shall pass without paying the toll, by any means whatever, when demanded by the toll gatherer, the company may, by warrant from any justice of the peace, recover from the owner, or persons in possession of the article or subject of toll, five dollars for each offence.

Penalty for  
pass'g without  
paying toll.

SEC. 8. *Be it enacted*, That if said company shall fail to keep said road in good repair for the space of thirty days, and information shall be given to any justice of the peace in the neighborhood, he shall issue his warrant to a constable, commanding him to summon three disinterested freeholders to meet at a certain time, and at the place complained of, thirty days previous notice being given to the officers of the company; and if, on report of said freeholders on oath, it shall be found, in the presence of said magistrate, that said road is out of repair, according to the true meaning and intent of this act, the toll hereby granted shall cease to be demanded until such defective part of said road shall be put in good repair.

SEC. 9. *Be it enacted*, That the directors of said company shall have power to call in the assessments on the capital stock, at such times, and in such amounts as they may deem necessary; and may make such by-laws and rules for their own government and their officers and employers, as they may think necessary.

Calls on stock.

SEC. 10. *Be it enacted*, That the charter of the Lookout turnpike company be so amended that it shall be sufficient for the company to so grade their road as not to have an ascent of more than eighteen inches in a distance of ten feet; and that said company shall have the privilege of extending their road to the present corporate limits of Chattanooga. *Provided*, they shall not erect any toll gate between the foot of the Lookout mountain and Chattanooga.

Lookout Tp.  
Company.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 1, 1854.

## CHAPTER CCLII.

AN ACT to incorporate the Memphis and Horn Lake Plank Road Company.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That William L. Lundy, John Arnold, William P. Mathews, Henry D. Small, Sylvester Bailey and John Wildberger, and all other persons who may become stockholders, pursuant to the provisions of this act, shall be, and they are hereby constituted a body corporate and politic by the name and style of the Memphis and Horn Lake Plank Road Company; and by that name may sue and be sued, plead and be impleaded; and shall have a corporate seal and succession for ninety-nine years.

**SEC. 2.** *Be it enacted,* That the persons named in the first section of this act, or any five of them, are hereby appointed commissioners to open books, to receive subscriptions for stock in said company, at such times and places as they may deem most suitable; said books to be opened within twelve months from the passage of this act, and said commissioners are authorized to receive subscriptions in money, materials or labor, as they may determine, to be valued at cash valuation by disinterested persons appointed by the parties, and such valuation shall be deemed as so much stock in said company; and if the whole extent of said road shall not be taken in labor and materials, the residue may be let out for construction, to the lowest bidder, on such terms and stipulations as the directors of said company may appoint.

**SEC. 3.** *Be it enacted.* That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same by the directory, to an amount sufficient to complete said road, that said capital stock be divided into shares of fifty-dollars each, to be applied in the construction and keeping in repair a turnpike or plank road, beginning at a point within or at the southern boundary line of the corporation of the city of Memphis, and extending southernly to the Mississippi State line, and in its course, on or near what is now known as the Lower Road from Memphis to Hernando, and in the direction of Horn Lake.

**SEC. 4.** *Be it enacted,* That when the sum of ten thousand dollars shall have been subscribed, a meeting of the stockholders may be held at such time and place as the said commissioners shall select, of which ten days' notice shall be given in some newspaper published in

Memphis, and when convened may elect five directors, who shall be stockholders, any three of whom shall be a quorum to do business, to pass by-laws, organize the company and commence the construction of said road; and so soon as five miles of said road shall be completed, or so soon as the said road shall be duly and properly completed across Nonconnah creek and bottom, and from thence to the high land on the north side of the Black branch, the president and directors shall have power to erect one toll gate, at which gate or gates they are authorized to charge and receive the same rates of toll allowed by law to be charged by the Memphis and Hernando Plank Road Company; and there shall not be more than one toll gate between Nonconnah Creek and Memphis, and not more than two gates on the whole line of the road.

**Sec. 5. *Be it enacted,*** That the stockholders shall be entitled to one vote, (in person or by proxy,) for each share of stock held by him. The directors elected, shall **Elections.** elect one of their number president, another secretary and another treasurer, and it shall be the duty of said directory to construct said road, and they shall have entire management of the same; they shall hold their office for one year, and until their successors are elected; and said election shall be held the first Saturday of April in each year; and it shall be the duty of the directory to give at least ten days' notice in some newspaper, of the time and place of said election.

**Sec. 6. *Be it enacted,*** That for the purpose of making said road, and keeping it in repair, the directors, their **Damages.** agents or contractors, may cut and dig and take from the lands of any person within half mile of said road, such and so much timber and earth as may be necessary to make or repair the necessary bridges and embankments on said road; and if any person over whose land said road may pass, or from whose land such materials may be taken, shall desire compensation therefor, and in the event they cannot settle and agree with said directors as to the amount of damage done and to be paid for, he, she or they may apply to the circuit court of Shelby county, which said court shall appoint three disinterested freeholders, whose duty it shall be to estimate the value of the materials so taken and the amount of damages so occasioned, and make out a report in writing to the court, taking into view always the advantages and disadvantages of said road to said lands; and it shall be the duty of the court, in confirming the report, to give judgment in favor of such

applicant against said company for the amount of the damages assessed in said report.

**Calls on stock.** SEC. 7. *Be it enacted*, That so soon as the directors are elected, they may make a call of five per cent in cash upon all the subscriptions, as well those in money as those in labor or materials; and that upon the money subscriptions, not more than ten per cent each month shall be called in.

**Style of road.** SEC. 8. *Be it enacted*, That said road shall be graded at least twenty feet wide, with sufficient ditches on each side to carry off the water and drain the same, with an elevation of not more than five degrees at any point on said road, and one side of the road to be covered with plank three inches thick and nine feet long.

SEC. 9. *Be it enacted*, That should said road not be kept in good repair for twenty days in succession, it may be lawful for any person to inform any justice of the peace in the vicinity, of the condition of said road, and it shall be the duty of said justice to appoint three disinterested freeholders to examine said road and report upon oath; and if they or any of them report that the road is not in such repair as is by this act required, the justice of the peace shall direct the constable to open the nearest gate and stop the collection of toll until the road shall be repaired, when the justice or his successor shall again close the gate, and the company shall pay the costs of these proceedings; but if it shall appear that the road is in good repair, as required by this act, the case shall be dismissed at the cost of the informer.

**Penalty for avoiding gates.** SEC. 10. *Be it enacted*, That if any person shall fail or refuse to pay the toll hereby granted, or shall attempt to pass a toll gate on said road without paying the same, the toll gatherer may lawfully refuse to such person a passage, and he may, by warrant from any justice of the peace, recover from any person so refusing, the sum of five dollars for each offence, for the use of the company, and if any person shall travel on said road and come near to a toll gate and then turn off the same and go around the gate and return to said road beyond the gate, for the purpose of avoiding the payment of toll, he shall be subject to the same penalties as persons passing such gate and refusing to pay toll.

**Transferring stock.** SEC. 11. *Be it enacted*, That the stockholders shall have the right of transferring their stock by sale, gift, or otherwise, as they may desire, and the assignee or assignees of said stock, so transferred, shall be entitled to all the rights, privileges and immunities, and be subject

to all the liabilities and responsibilities of the original members of the company.

Sec. 12. *Be it enacted*, That the directors may commence work on said road at any one or as many points on said road as they may deem proper; *provided*, they erect no toll gate until that part of the road over Nonconah Creek and bottom shall be completed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 28, 1854.

## CHAPTER COLIIL

AN ACT to charter the Carthage, Alexandria and Red Sulphur Spring Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That books for subscription for stock for the purpose of building a turnpike road through parts of the counties of Smith, Macon and DeKalb, be opened at Carthage under the direction of Messrs. S. M. McClellan, Wm. Young, P. Clay, J. C. Williams, L. D. Hogg, R. C. Cartwright and H. W. Marley; at Alexandria, under the direction of Messrs. J. S. Reese, J. F. Moore, J. F. Goodner, Wm. Floyd, T. I. Sneed and N. Mercer; and at Red Sulphur Spring, under the direction of Messrs. S. E. Hare, Wm. Gibbs, H. S. Young, Thos. Wakefield and E. B. Kemp, who are hereby appointed commissioners for that purpose. Said road to consist of two sections: One section shall be from the fork of the Gainsborough road on the Carthage and Hartsville turnpike, near Hart's Spring; running thence to and up Defeated creek, and by the Red Sulphur Spring in the direction of Glasgow, in all, the distance of twenty-five miles. The other section shall be from a point on said Carthage and Hartsville Turnpike road, near Sanders' ferry on Cumberland river, and running thence by said ferry to Alexandria.

Sec. 2. *Be it further enacted*, That the stock of said company shall be in shares of fifty dollars each, and that

**Stock, how  
subscribed.** subscriptions may be made payable in money or in work to be performed on said road. Subscriptions for stock may also be made by subscribing for and taking the building of so much of said road as may be desired, designating the part and distance so taken; and in this latter mode of subscribing, said subscriber and said commissioners shall make an estimate of the probable worth of building said part of the road so subscribed for, and fix temporarily the number of shares which it shall represent in the first election for directors; and stock may thus be subscribed for from time to time, until the sum of ten thousand dollars shall have been subscribed, payable in money and in work to be performed on said road. It shall then be the duty of said commissioners to call a meeting of the stockholders to be held at Carthage, by giving ten days' previous notice in writing at Carthage, Alexandria and the Red Sulphur Spring, of the time fixed for said meeting. The stockholders at said meeting, shall elect five directors, (being stockholders,) who shall appoint one of their number president, and said president and directors shall hold their office for two years and until their successors are elected. Said stockholders and such as may thereafter become stockholders, shall be, and are hereby constituted a body corporate and politic by the name of the "Carthage, Alexandria and Red Sulphur Spring [Turnpike] Company;" and shall be so continued and have succession for ninety-nine years, and may own, sell and buy property; sue and be sued; plead and be impleaded. The president and directors may purchase for the use of said company any quantity of land not exceeding one hundred acres adjacent to each toll gate, and also for ferry landing, where said road shall cross said river, and may take conveyances therefor to themselves and their successors.

**Damages.** *Sec. 3. Be it further enacted,* That for the purpose of making said road, and for keeping it in repair, said company or their agents or servants, may cut, dig, quarry and take from any land adjoining said road, such timber, gravel, stone or earth as may be necessary for said purposes. *Provided,* however, that if damages are claimed for said materials, or if damages are claimed for the location of said road, and the parties cannot agree upon the amount, the person so claiming damages may file a petition in the circuit court of the county in which the land lies, setting forth the nature of the claim, and thereupon said court shall appoint a jury of five disinterested persons to go upon the land, and after being sworn

by the sheriff, to assess the amount of damages which the petitioner has sustained in the premises, taking into view the advantage of said road to the petitioner. Said jury shall report to the next term of said court, and judgment shall be entered and execution issued for said damages and cost against said president and directors; or for cost against petitioner, if said jury shall have reported that no damages be allowed.

**SEC. 4.** *Be it further enacted,* That said company shall have power to make all rules and regulations for their government and the management and control of their affairs, which a majority of said company, or the president and directors may, from time to time, deem necessary; also to fix the times of election of directors, and the supplying all vacancies in said board; and to appoint such officers and agents as may be necessary, and to fix their salaries.

**SEC. 5.** *Be it further enacted,* That where subscriptions for stock shall have been made by subscribing for the building of any specified part of said road, and the part so subscribed for shall have been completed according to said subscription; and also where subscriptions for stock payable in labor to be performed on said road shall have been made, and said labor shall have been performed; in each of these cases, if the president and directors and the subscriber cannot agree upon the value of the labor done in building such parts of said road, each of the parties shall select one competent and disinterested man, and these two so nominated, shall select a third man, and these three shall examine said parts of said road and fix the value or price for the building of such parts of said road, which valuation shall be binding on the parties; and in each and every such case, if the amount of the price for building such part of the road as aforesaid, shall leave a portion of a share after extending the number, the person building as aforesaid, shall pay to said company in money, a sum which shall make the fraction aforesaid a full share of fifty dollars; and said builder of part of said road shall be deemed and held to own the number of shares in the stock of said company, to which the price so fixed upon for building said part of the road, and the cash so paid by him, entitles him to.

**SEC. 6.** *Be it further enacted,* That if any stockholder shall fail to build the part of the road so subscribed for, or to pay his subscription in labor, to be done on said road, or to pay calls on subscriptions in money; the stockholder so failing to comply with his contract shall

forfeit his stock in said road. Said president and directors shall be authorized to receive additional subscriptions for stock as often as shall be necessary to raise funds for the building and completing of said road.

Sec. 7. *Be it further enacted*, That in locating said road, said president and directors may build the same in part on the beds of said Carthage and Alexandria road, and said Carthage and Red Sulphur Spring road, as they at present run.

Style of road. Sec. 8. *Be it further enacted*, That said road shall be opened twenty-four feet wide, with sufficient ditches on each side to drain the road; the surface of the road shall gradually descend from the centre to the ditches, with necessary culverts and bridges, except that it shall not be required to build a bridge across Cumberland river, or across Defeated creek. Said company shall keep a ferry across Cumberland river, and the banks of said river at said ferry, and the banks of Defeated creek at each of the fords on said creek, shall be well graded and metalled with stone or gravel, so as to make the banks of said streams smooth, firm and solid. In building that part of the road lying between Carthage and Alexandria, and the first fifteen miles of the road from the forks of the Gainesboro' road, the same shall be substantially graveled or paved with stone to such depth as, in the opinion of the president and directors, shall constitute a firm, smooth and solid road, and shall be completed in a faithful and substantial turnpike road manner, in all respects equal to the turnpike road now constructing from Carthage to Hartsville. The elevation shall not exceed five degrees, nor the width of the road be less than twenty-four feet, unless it be on the ridges or hills of Peyton creek, Turkey creek, Defeated creek, Mulherrin creek, and the banks of Cumberland river; at which points the elevation shall not exceed six and a half degrees, nor the width be less than twenty feet. The ten miles of the road near the Red Sulphur Spring, shall only be well graded twenty-four feet wide, with sufficient culverts and ditches to drain the same.

Gates and rates of toll. Sec. 9. *Be it further enacted*, That said road, when so completed, shall be held and deemed a public road, subject to the rates of toll hereinafter mentioned; *Provided, however*, that in the mean time, so soon as five miles of said road shall be completed, either from the fork of the Gainesboro' road, or at either end of the road between Carthage and Alexandria, a gate may be erected for each of said five miles; and so, as other five



miles are built on either section of the road, gates may be erected, until the fifteen miles in the first section of road are completed, and the entire distance to Alexandria is completed. Said company shall be entitled to one gate for every five miles of road, and may erect them at such points as they may desire, and change their locations as often as desirable, so that said gates are not nearer to each other than four miles; and when the remaining ten miles of said road is completed, said company may erect one gate on said ten miles, at such point as they desire, and also change the location thereof when desirable. At each of said gates, and at the ferry on Cumberland river, said company shall be entitled to receive the same rates of toll as are allowed by the charter of said Carthage and Hartsville turnpike company.

*Sec. 10. Be it further enacted,* That said company shall have the same remedy against all persons who may pass any gate without paying the toll to which he is liable; and said company shall be liable to the same proceedings, should said road at any time remain out of repair for the space of twenty days, as are pointed out in each of said occurrences by the charter of said Carthage and Hartsville turnpike company.

*Sec. 11. Be it further enacted,* That if said company shall not begin said road within two years from the passage of this act, and complete the same in four years thereafter, in the manner herein directed, this charter shall be void, unless the time allowed for building said road shall in the mean time be extended by an amendment to this charter.

*Sec. 12. Be it enacted,* That David H. Campbell, Horace Oliver, John Stewart, John Carter, Thomas W. Wootten, Alfred L. Baines, James W. Grissom, William M. Price, Edward Harrison and James A. Crutcher, be and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions in labor or money to the amount of seventy thousand dollars, in shares of twenty-five dollars each, to be applied to making a turnpike road from Carthage, Smith county, to the eastern terminus of the Lebanon and Big Spring turnpike road in Wilson county.

*Sec. 13. Be it enacted,* That so soon as ten thousand dollars shall have been subscribed, a turnpike meeting of the subscribers shall be held at Rome, of which meeting the managers of the subscription shall give twenty days' notice by advertisement, at Rome and Carthage, and the said subscribers shall there, or at

Carthage and  
Rome Tp. Co.

Meeting and  
election.

some subsequent meeting to be by them appointed, elect a board of seven directors, who shall be stockholders, and who shall elect such officers, agents and servants of the company as they may think necessary.

SEC. 14. *Be it enacted*, That said subscribers for stock, when thus organized, shall constitute a body corporate by the name of the Carthage and Rome Turnpike Company, and by that name may sue and be sued, contract and be contracted with, and make all necessary rules and regulations, not inconsistent with the laws and constitution of this State, for the successful operations of said company.

SEC. 15. *Be it enacted*, That said company shall make said road not less than twenty-four feet wide, eighteen feet of which shall be made out of stone or gravel in such a manner as to secure a firm, substantial and smooth road, and said road shall be graded within a level of five degrees at least (except at the banks of Cumberland river) and said company shall have all the powers and privileges of the Carthage, Alexandria and Red Sulphur Springs Turnpike Company, and be governed by the same rules, regulations, restrictions and liabilities except as may be herein otherwise provided.

SEC. 16. *Be it further enacted*, That when said road is completed or five connected miles of said road shall be completed, said company may put one gate upon said road for every five miles, and charge the same tolls that other turnpike companies in this State are entitled to charge.

SEC. 17. *Be it further enacted*, That said company shall not be required to build a bridge across Cumberland river, and they shall have the time of four years from the passage of this act to build said road.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 31, 1864

## CHAPTER CCLIV.

AN ACT to authorize John L. Martin to open and construct a Turnpike Road in Dickson county, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That John L. Martin, of the county of Dickson, be, and he is hereby authorized to open and construct a turnpike road in said county, beginning at the terminus of William J. McClelland's turnpike charter at a place known as the Galley Farm, and running in the direction of Waverly, in the county of Humphreys, for the distance of six miles, running the nearest and most practicable route, to a place at or near the widow Clemon's.

**SEC. 2.** *Be it enacted,* That the said road shall be opened twenty feet wide, clear of obstructions, to be graded not exceeding six degrees, and thrown up in the *Style of road.* centre so as to turn the water off on each side, and such places as are not, or will not become firm by use, to be gravelled or bridged, so that the travel will not be impeded thereon.

**SEC. 3.** *Be it enacted,* That the said John L. Martin shall have power to purchase land on which to erect a house or houses where said turnpike gate shall be erected under this act; and the said Martin shall have power to purchase and hold land for the use of said road.

**SEC. 4.** *Be it enacted,* That should any person through whose lands said road may pass, consider him or themselves damaged by said road, in that event the said Martin shall select one disinterested freeholder, and the person or persons complaining shall select one disinterested freeholder, and the two thus chosen shall select a third disinterested freeholder, who shall go upon the premises and view and assess the damages complained of, if any, taking into consideration the advantages and disadvantages of said road to said lands, and their assessment shall be binding upon the parties concerned; and the amount of damages so assessed, if any, shall be recoverable by law, before any jurisdiction having cognizance thereof. *Damages.*

**SEC. 5.** *Be it enacted,* That the said John L. Martin, after the completion of said road herein specified, which work shall be commenced and completed within six *Gates and toll.* years from the passage of said charter, shall be allowed to erect a toll gate at any point on said road between the Galley Farm, the beginning of said road, and the

terminus of his said road, and receive the same rates of toll that are received at any toll gate on the Nashville and Charlotte turnpike road, except the gate on Dog creek.

**SEC. 6.** *Be it enacted,* That if any person passing said road shall refuse to pay the rates of toll herein allowed, the gate-keeper may lawfully refuse to such person or persons a passage; and in the event such person or persons should force, or attempt to force a passage through said gate, or in any wise try to evade the payment of said toll, such person or persons shall forfeit and pay a fine of five dollars for each and every such offence, to be recovered by the owner of said gate or his agent, before any justice of the peace for said county.

Penalty.

**SEC. 7.** *Be it enacted,* That when said road shall be completed under the provisions of this act, it shall be the duty of the county court of Dickson county, to appoint three disinterested freeholders to examine said road, and upon the report of any two of them that said road has been completed agreeably to the provisions of this act, the gate herein provided for, and the tolls herein allowed, may be exacted and charged, and the said commissioners to receive a reasonable compensation for their services, to be paid by the said John L. Martin.

**SEC. 8.** *Be it enacted,* That upon the complaint of any two persons, on oath, before the county court of Dickson county, that the said road is out of repair, so that traveling is impeded thereby, the said court shall appoint three commissioners, entirely disinterested, who shall examine said road, and if they find the road out of repair, they shall report the same to the court; whereupon said court shall make an order, that said gate shall be and remain open, and that traveling shall be free on the same, until the road is put in repair, and said commissioners shall be paid one dollar each per day, by the said John L. Martin, if they report that the road is not in repair; but if they report that the same is in repair, the complainants shall be taxed with the cost, and if said road should remain out of repair for the term of twelve months, all the rights, privileges, and immunities hereby granted, shall be forever forfeited, and forever cease.

**SEC. 9.** *Be it enacted,* That if any person or persons shall obstruct said road in any way whatever, he or they shall be subject to indictment before the grand jury for Dickson county, and upon conviction before the circuit court for said county, shall be fined a sum not less than five nor more than fifty dollars, and they shall also

Obstructions.

be subject to damages at the action of said John L. Martin.

**Sec. 10.** *Be it enacted*, That all the rights and privileges granted in this act, shall be perpetual to the said John L. Martin, his heirs or assigns; *Provided*, said road shall cross Yellow creek at the place where the Nashville and Memphis road now crosses said creek.

**Sec. 11.** *Be it further enacted*, That Isaac West, A. Skelton, A. A. Brown, William S. Fentress, Dr. E. W. Ellis, James G. Hinson, George Cooksey, I. W. & Fuett Shelton, A. Dileha, Wm. Mitchell, W. W. Norris, Wm. Adams, Wiley Balthrop, A. F. Nesbit, J. C. Nesbit, Wm. A. Moody, John May, John Adams, John Pickett, S. Porter, B. H. Williams, Wm. D. Balthrop, Jesse Daniel, Orval Thornton, Dr. W. B. Fentress, Dr. John H. Marable, Wm. Allen, Burrell Corbin and Burrell Williamson, are hereby appointed commissioners to open books and receive subscriptions at such times and places as they may designate, to construct a turnpike road from John L. Martin's Turnpike road, commencing at or near H. B. H. Williams', running down the Yellow Creek valley to Wm. S. Fentress' farm, and from thence to some point on Cumberland river to be designated by said commissioners, to be called the Yellow Creek Turnpike Road. The capital stock of said company shall be ten thousand dollars which may be increased at any time to an amount sufficient to complete the road, divided into shares of twenty-five dollars each. As soon as five thousand dollars of the stock shall be subscribed, the commissioners shall call a meeting of the stockholders at Parrish's store, on Yellow creek, or Washington Rone's mill, by giving twenty days' notice at three or more public places in writing; and the stockholders may proceed to elect five directors, one of whom shall be president, and they shall hold their office for two years and until their successors are elected; that said company shall open said road so as to average twenty feet in width, clear of timber and other obstructions, and to be graded six degrees or less, and to be thrown up in the centre so that it will turn the water off, and such places as will not become firm by using, they are to gravel so that the travel will not be impeded thereon; and said company are hereby authorized to erect toll gates on said road for every six miles, and they shall be entitled to receive such rates of toll at said gates as are now by law allowed on such roads; and the company may enjoy all the rights and immunities and be subject to all the liabilities as are by law given to John L. Mar-

Yellow Creek  
Turnpike road.

Rates of toll.

tin in his charter for the construction of a turnpike road, passed by the present General Assembly.

**Fayetteville, Mulberry and Lynchburg Tp Company.**  
**SEC. 12.** *Be it further enacted,* That the further time of four years from the 17th day of January, 1856, is hereby granted to the Fayetteville, Mulberry and Lynchburg turnpike company to complete their road.

**SEC. 13.** *Be it enacted,* That said company may fix their first gate between the town of Fayetteville and the forks of the road where the Shelbyville and Fayetteville turnpike intersects or diverges from said road, near James Bright's well; and persons living in the neighborhood of said first gate and necessarily traveling less than four miles on said turnpike, shall only be charged by said company for one of the trips in going to and returning from Fayetteville; and persons traveling on the Shelbyville and Fayetteville turnpike, and necessarily going through the said first gate of the Fayetteville, Mulberry and Lynchburg turnpike, shall not be charged more than one-fourth of the usual toll by said last mentioned company; but when four miles of the Fayetteville and Shelbyville turnpike, next to and north of said first gate, shall be completed, said two companies may make such arrangement as to an equitable division of the tolls to be charged at said first gate as may be satisfactory to themselves; *Provided, always,* that the whole amount of toll to be charged at said first gate, shall not exceed the amount properly chargeable at any other gate upon either of said roads; and persons living in the neighborhood of said first gate and necessarily traveling less than three miles on the Fayetteville and Shelbyville turnpike, and only one mile on the Fayetteville, Mulberry and Lynchburg turnpike, shall only be charged at said first gate for one of the trips in going to and returning from Fayetteville.

**Stone Mount'n and Watauga Tp. Company.**  
**SEC. 14.** *Be it further enacted,* That C. W. Nelson, Ansel Darden, T. J. Powell, D. S. Stover, J. P. Tipton, and G. T. McGee, are hereby constituted a body politic and corporate, by the name of the Stone Mountain and Watauga Turnpike Company, and by that name may contract and be contracted with, sue and be sued, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law, and shall have succession for ninety-nine years.

**Route.**  
**SEC. 15.** *Be it enacted,* That the said C. W. Nelson, Ansel Darden, T. J. Powell, D. S. Stover, J. P. Tipton, and G. T. McGee, are hereby authorized to open, establish and keep in repair, a turnpike road commencing at a point beyond Taylorsville, at the North Carolina line

on the Stone Mountain, thence running by way of said Taylorsville, the nearest, best and most practicable route, so as to intersect Ansel Carden's turnpike at Peggy Duggers', on Watauga river.

**SEC. 16.** *Be it enacted,* That the said Stone Mountain and Watauga turnpike road shall be made equal to a first class road, according to the laws of Tennessee, at all places where the ground over which said road passes will admit of it to be done, and shall erect bridges and cross-ways where necessary and practicable. Style of road.

**SEC. 17.** *Be it enacted,* That the county courts of Carter and Johnson counties, are hereby authorized and empowered to appoint each two good freeholders in said counties, to act as commissioners of said turnpike road, who are hereby vested with the same powers and authority of the commissioners appointed by an act to charter the Newport turnpike road granted to William C. Story, passed January 20th, 1846, chapter 81. Commissioners

**SEC. 18.** *Be it further enacted,* That said company shall be governed by the same rules and restrictions, and have the same privileges, and be subject to the same liabilities as are prescribed in the 4th, 5th, 6th, 7th and 8th sections of the act of 1846, chapter 81, incorporating the said William C. Story, with this exception, that they shall have the privilege to put up two gates instead of one. The said company shall have the time of ten years to open and complete their road after the passage of this act. Gates.

**SEC. 19.** *Be it further enacted,* That after the expiration of the time now allowed by law, the Fayetteville, Boonshill and Pulaski Turnpike Company shall be allowed the further time of six years to complete their road; and said company may construct that part of their road lying west of Cane creek at a grade of not more than five degrees. Fayetteville,  
Boonshill and  
Pulaski Tp Co.

**SEC. 20.** *Be it enacted,* That said company may fix their first gate west of Fayetteville, at or near the west end of Timmin's lane, between where the Elkton road now leaves said turnpike, and the town of Fayetteville; and the company may erect said first gate and collect toll thereat when said road shall be finished according to the charter, to Cane creek, west of the dwelling house formerly occupied by Marcus L. Dismukes.

**SEC. 21.** *Be it enacted,* That said company are hereby authorized to construct a branch of their said road from said first gate to the bridge over Cane creek on the Elkton road.

**SEC. 22** *Be it enacted,* That said company shall not

be authorized to charge persons living in the neighborhood of said first gate, and necessarily travelling less than four miles on said road, more than half the usual toll, or for only one of the trips in going to and returning from Fayetteville, or said company may make such arrangement as to the amount to be charged, with persons in the neighborhood, as may be agreed upon, not exceeding the foregoing rates.

Poe and Rawling's road.

SEC. 23. *Be it further enacted*, That an act passed December 15th, 1831, chapter 224, to authorize Hasting Poe and Asahel Rawlings to open a turnpike road, be so amended that said charter shall continue in force for a period of twenty years from and after the passage of this act, and that the owner or owners of said road shall be under the same restrictions, regulations, and shall have all the privileges, rights and immunities granted in the charter which this act is intended to amend.

C. Jackson's road.

SEC. 24. *Be it enacted*, That Churchwell Jackson, of the county of Marion, proprietor of a turnpike road leading across Cumberland Mountain, may apply by petition to the county court of Marion county, a majority of the acting justices of said county being present, for leave to change the location of said road; if a majority of said court should in their opinion believe the change necessary and proper, then, and in such case, said county court shall have power to make such change; and when so ordered, all the rights and privileges shall enure to the said Churchwell Jackson in the change, as have been conferred on him heretofore on other parts of said turnpike road.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 27, 1854.

## CHAPTER CCLV.

AN ACT to establish a State Agricultural Bureau together with County and District Agricultural Societies, subordinate thereto, in the State of Tennessee, and for other purposes.

*Whereas*, The subject of agriculture, "the most important art, the source and foundation of all other arts,"



is beginning to elicit the attention of and arouse a lively interest in the public mind ; and as the application of science to agriculture, in its practical results lessening the amount of labor and immeasurably increasing the productiveness of the soil by its improved modes of cultivation, is still in its infancy, from this fact standing in great want of the fostering care of legislative enactments : *And whereas, also*, the State of Tennessee possessing such varieties of soil and extensive capacities for the rearing of nearly all the staple products of the country; rich in her vast and almost inexhaustible mines of valuable and fertilizing ores : if properly developed would place her equal, if not superior to all of her sister States in the scale of agricultural greatness ; Therefore, in view of all these considerations and for the attainment of the means best promotive of this end,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That there is hereby established a State Agricultural Bureau to be known and styled "The Tennessee State Agricultural Bureau," to consist of His Excellency the Governor *ex officio*, one member from each grand division of the State, five members from the county of Davidson, appointed by the Governor, and one member from each of the "County Societies" that receives a bounty from the State as herein-after provided ; which said persons and their successors be and are hereby constituted a body politic and corporate under the name and style as aforementioned, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto in any court of law or equity in all manner of suits or actions whatever, shall be capable in law or otherwise to take to themselves and their successors any estate in lands, tenements, goods, chattels, moneys, or other effects by gift, grant, bargain, sale, will, devise or bequest of any person or persons, bodies politic and corporate, and the same lands, tenements, goods, chattels, moneys or other effects, to bargain, sell, convey and place out at interest or otherwise dispose of for the use and advancement of the objects of said Agricultural Bureau, in such manner as to them may seem most beneficial. And to have and use a common seal and the same to alter, change or destroy at pleasure, and to have perpetual succession of its members, and in general by the same name to do and transact all and every the business touching or concerning the premises as fully and effectually as any natural person or body corporate

within this State, have power to manage their own affairs.

**SEC. 2.** *Be it enacted,* That said members shall hold their offices for the term of three years except as hereinafter provided, and that the Governor shall at the earliest convenient time before the first day of July, A. D. 1854, and also the county societies as may be formed under provisions hereinafter made, appoint said members, and afterwards whenever vacancies shall occur.

**SEC. 3.** *Be it enacted,* That at the first meeting appointed as aforesaid, and called by the Governor, the three members from each grand division of the State, the five members from the county of Davidson and the members from the county societies, shall be divided, as near as can be, into three classes, and the term of office of the first class shall expire on the first Monday in the month of December, A. D., 1854, the second class on the first Monday in the month of December, A. D., 1855, and the third class on the first Monday in the month of December, A. D., 1856. The expiration of the term of office of each class shall be determined by lot by the whole bureau, and the vacancies thus created shall be filled by the Governor and the county societies in each respectively where such vacancies may occur.

**SEC. 4.** *Be it enacted,* That said Agricultural Bureau shall have power to make such rules and regulations, and pass such by-laws not inconsistent with the constitution and laws of this State, for its government and the carrying into execution the objects for which it was created.

**SEC. 5.** *Be it enacted,* That His Excellency, the Governor, *ex officio*, shall preside at the meetings of the State Agricultural Bureau; and that said bureau shall elect at its first meeting, or as early as practicable thereafter, a secretary, and shall prescribe and determine his duties; shall determine his compensation, which compensation shall not exceed six hundred dollars per annum, but no member shall receive any compensation for his services except for personal expenses incurred when engaged in the duties of the bureau.

**SEC. 6.** *Be it enacted,* That said Agricultural Bureau shall meet biennially on the second Monday in the month of October, in the city of Nashville, in the years in which the Legislature meets, and as much oftener as it may deem expedient.

**SEC. 7.** *Be it enacted,* That it shall be the duty of the bureau to investigate all such subjects relating to the improvement of agriculture in this State as it may think

proper, and it is hereby empowered to take, hold in trust and exercise control over any donations or bequests that may be made to them for promoting agricultural education, or the general interests of husbandry.

**Sec. 8.** *Be it enacted,* That it shall be the duty of the secretary of the bureau, to make out as full an abstract of all the returns made by the agricultural societies as may be formed under the provisions hereinafter made, as in the judgment of the bureau will be useful and assistant to the advancement of the agricultural interest, together with the doings of the bureau and their reports to the legislature, have the same published in book form, and to distribute some two copies to each of the County Societies that receives a bounty from the State as hereafter provided.

Secretary to  
make abstract.

**Sec. 9.** *Be it enacted,* That it shall be the duty of the Secretary of the bureau to keep fair records of the proceedings of the same in a book provided for that purpose, and such books may be read in evidence in any suit in which said bureau is concerned.

Records.

**Sec. 10.** *Be it enacted,* That the bureau shall publish in one newspaper in each division of the State at least eight months prior to its biennial meetings, at which times and places shall be its agricultural exhibitions, premiums on such live animals, articles of production, agricultural implements and tools, as are of the manufacture of this State; and also on such experiments, discoveries or attainments in scientific or practical agriculture as are made within the limits of this State, which premiums shall be awarded, in such sums of money, medals or other devices, and in such way and manner as it shall, under its rules, regulations and by-laws direct.

Publication of  
meetings.

**Sec. 11.** *Be it enacted,* That it shall be the duty of the bureau to make all necessary preparations; the fixing and defining bounds of sufficient extent for the erection of cattle-pens and yards, and temporary buildings for the shows and exhibitions, and pass such rules and regulations necessary for the preservation of peace and good order; and if any persons, after notice thereof, shall violate said rules and regulations of order, shall forfeit a sum not exceeding ten dollars, to be recovered in an action before any justice of the peace having jurisdiction thereof, for the use of said bureau, by the secretary thereof.

Preparation for  
exhibition.

**Sec. 12.** *Be it enacted,* That the officers of said bureau shall have power to appoint suitable persons, inhabitants of the county of Davidson, to act in the capa-

Marshals.

city of Marshals at the shows and exhibitions, and they shall have and exercise the power of constables in relation to the preservation of order and the public peace; and they shall exercise said office during the period of the shows and exhibitions, and no longer.

State appropri-  
ation.

SEC. 13. *Be it enacted*, That whenever said bureau shall have raised, or may hereafter raise, by contribution of individuals, and put out at interest on public or private security, the sum of one thousand dollars as a capital stock appropriated for the use of said bureau, it shall be entitled to receive from the Treasury of the State, annually, the sum of five hundred dollars, not otherwise appropriated, which said sum shall be paid to the Secretary in the month of September, upon his filing in the office of the Comptroller of the Treasury, a certificate signed by the Governor and himself, specifying under oath the sum of one thousand dollars actually contributed and placed out at interest, held and well secured as a capital stock, and a warrant shall be drawn for said sum.

Premiums

SEC. 14. *Be it enacted*, That said bureau shall appropriate a sum not less than three hundred dollars of the bounty of the State, either in sums of money, medals or devices, as its rules, regulations and by-laws may direct, as premiums, as provided for in section ten of this act; the remaining two hundred dollars of said bounty, together with one-third of the interest accruing on the one thousand dollars raised, as by section thirteen, to be appropriated, if necessary, in defraying the necessary expenses incurred by said bureau; and all moneys offered for premiums, which shall not be awarded or paid, with the two-thirds of interest accruing on the one thousand dollars, and the moneys remaining after the defraying of the necessary expenses of the bureau, shall be put out at interest, well secured, as before provided, and added to the capital stock of the bureau.

Report to Leg-  
islature.

SEC. 15. *Be it enacted*, That the bureau by its secretary, shall, biennially, on or before the first Monday in November, submit to the Legislature a detailed report of its doings for the two previous years, with such recommendations and suggestions as in its view the interest of agriculture may require. And it shall also, at the earliest practicable period of time after the conclusion of the shows and exhibitions, transmit to the Legislature a full statement of its proceedings in relation to the expenditure of such moneys, to be appropriated on such occasions, specifying the nature of the encouragement proposed by the bureau, the objects for which its

premiums have been awarded, what constituted the premiums, and to whom they were awarded, and shall accompany the same with such general observations as it may deem important and useful.

**SEC. 16.** *Be it enacted*, That said bureau be, and is hereby empowered to charter and establish County Agricultural Societies, one in each county in this State, in conformity with the rules, regulations and powers of, and subordinate to, the State Agricultural Bureau.

**GENERAL LAW FOR INCORPORATION OF COUNTY AND DISTRICT AGRICULTURAL SOCIETIES.**

**SEC. 17.** *Be it enacted*, That whenever a number of persons, not less than ten, in each county in this State, shall associate themselves together and form a county society for the encouragement and promotion of agriculture and domestic manufactures, and any such society, organized according to the provisions of this act, and shall be formed by written articles of association, in accordance with the constitution, laws and usages of the State Agricultural Bureau, subscribed by the members thereof, specifying the objects of said society, upon application to the State Agricultural Bureau, a charter shall be granted to such society in pursuance of section sixteen of this act, and the first meeting shall be notified and held in the manner prescribed by the said articles of association. They shall adopt as the name of such society, the name of the county in which said society is sought to be formed; which said society, when so organized, shall have all the powers of a corporation or body politic, to sue and be sued, plead and be impleaded, answer and be answered unto, prosecute and defend unto final judgment and execution in any court of law or equity, or other tribunal having jurisdiction of the sum in dispute; shall purchase or otherwise take and hold all real estate, goods, chattels, moneys or other effects, which real estate shall be necessary to best promote the objects of said society, and shall be exclusively devoted to such objects; shall have a common seal, to alter, change or destroy the same at pleasure; and to have perpetual succession of its members.

**SEC. 18.** *Be it enacted*, That the said county societies, not exceeding one in each county, shall be organized by the election of a president, secretary and treasurer, and such other officers that they may deem proper, to be chosen annually, and to hold their offices until their successors are appointed.

District societies.

**Sec. 19.** *Be it enacted,* That said county societies in said counties, each respectively, be, and are hereby empowered to charter and establish district societies in conformity with the rules, usages and powers of the county societies and the provisions of this act.

**Sec. 20.** *Be it enacted,* That whenever any county society shall have raised, or may hereafter raise by contribution of individuals, and put out at interest on public or private security, the sum of three hundred dollars as a capital stock for the uses of such society, it shall be entitled to receive, in the month of September, annually, out of the Treasury of the State, the sum of fifty dollars, upon the filing in the office of the Comptroller of the Treasury, a certificate signed by the president and treasurer of such society, specifying under oath the sum actually contributed and put out at interest, and then held and well secured as a capital stock, and a warrant shall be drawn for the same.

County societies to report annually.

**Sec. 21.** *Be it enacted,* That every county society receiving a bounty from the State, shall, in its discretion, apply such bounty for the encouragement and improvement of agriculture and manufactures in this State, in such way and manner, by such society deemed best, and such amount left and not expended shall go into the capital stock. And it shall transmit to the secretary of the State Agricultural Bureau in the month of September in every year, a full statement of their proceedings in relation to the expenditure of such moneys, and a detailed account of their doings, signed by the president and secretary, embracing all or parts of reports of committees and addresses delivered before such society, and all statements of experiments and cultivation deemed by the society worthy of publication. And every such society which shall have neglected or failed to make such returns to the secretary of the bureau, within the month of September, before the payment of the bounty to which it is entitled, shall not receive for the succeeding year, the allowance out of the public treasury.

**Sec. 22.** *Be it enacted,* That each county society appoint at least three of its members as delegates to the division fair, exhibitions or shows, which said delegate members shall be empowered to make all the necessary preparations for such fairs, shows or exhibitions at their regular meetings.

#### DISTRICT SOCIETIES.

**Sec. 23.** *Be it enacted,* That whenever a number of

persons, not less than five, shall associate themselves together, and form a district society for the encouragement of agriculture and domestic manufactures, according to the provisions of section seventeen of this act, shall, upon application to the county society of the county in which said district society is sought to be formed, be granted a charter according to its constitution, usages and regulations; shall assume as its name a number which said name or number is to be designated according to the priority of the time of its formation, to-wit: as District Agricultural society, No. 1, in \_\_\_\_\_ county. And every such district society, when so organized and formed, shall be a body politic and corporate, and entitled to all the privileges, powers, rights and immunities, as are granted to the county societies, as provided in section seventeenth of this act.

SEC. 24. *Be it enacted*, That the district societies shall elect a president, secretary, treasurer and such other officers as they may desire; and shall prescribe the length of time and manner of their election. Officers.

SEC. 25. *Be it enacted*, That it shall be the duty of the secretaries of the district societies, to keep correct and faithful records of all their proceedings, the experiments that have been made, and of all matters of agricultural interest that come within the action of the district societies, and to make a full report or a part thereof, at the discretion of the societies, to the secretary of the county society; which said reports, either in whole or in parts, shall be embodied in the general report of the secretary of the county society to the State agricultural bureau. Report to  
county societies.

SEC. 26. *Be it enacted*, That at least two members of every district society shall be entitled to membership in the county society, to be chosen in accordance with the rules and regulations of the district society.

#### DIVISION FAIRS, SHOWS, OR EXHIBITIONS.

SEC. 27. *Be it enacted*, That all the county societies in each grand division of the State, shall have the right and power to hold "division fairs, shows or exhibitions." The manner, times and places, to be determined by a majority of all the delegate members who are present, appointed as under the provisions of section twenty-second of this act; *Provided*, no fair, show or exhibition shall be holden twice in succession in the same county.

SEC. 28. *Be it enacted*, That the delegate members shall elect a secretary and such other officers that they

Secretary to make report, may deem proper; which secretary shall keep a fair account of all the proceedings of the fairs, shows or exhibitions, a full statement of the moneys to be appropriated on such occasions by way of premiums in sums of money, medals or other devices, the objects for which the premiums have been awarded, what constituted the premiums, and to whom they were awarded, and make a full report of the same as early as practicable after the close of the fair, show or exhibition, to the secretary of the bureau, and as much of said reports as is deemed worthy of publication, to be embodied in his report; and that the officers appointed by the delegate members shall have all the powers that are granted under the sections eleven and twelve of this act, so far as the same are applicable.

SEC. 29. *Be it enacted*, That the delegate members to each division fair, show or exhibition, shall, at their first meeting, adopt such by-laws and regulations as may be necessary for the government of the fair, show, or exhibition; shall elect their officers, whose term of office shall be during the period of the fair, show, or exhibition; shall elect three commissioners, whose duty it shall be to receive the bounty of the State and pay over the same to the proper officer or officers of the fair, show, or exhibition, as elected by the delegate members; to publish in one or more newspapers in the division of the State where the fair, show, or exhibition is to be held, at least eight months prior to the fair, show, or exhibition, the premiums that are to be awarded.

State appropriation.

SEC. 30. *Be it enacted*, That there is hereby appropriated annually, out of the treasury of the State, the sum of one thousand dollars to the Eastern division; one thousand dollars to the Middle division, and one thousand dollars to the Western division fair, show, or exhibition, to be applied for the encouragement of agriculture and manufactures in this State, either in sums of money, medals, or other devices; and all premiums which shall be awarded and moneys left and not expended, shall be equally distributed to the county societies that receive a bounty from the State, and go into their capital stock. And upon filing in the office of the Comptroller of the treasury a certificate signed by the commissioners, specifying under oath that the money is drawn for the purpose of the fair, show, or exhibition, and will be paid over as directed under section twenty-nine of this act, and a warrant shall be issued for the same. And whenever the Secretary of the fair, show, or exhibition, shall fail or refuse to make his reports of returns to the secre-



tary of the bureau before the month of December, as provided in section twenty-eight of this act, the division fair, show, or exhibition shall not be entitled for the succeeding year to the bounty of the State.

Sec. 31. *Be it enacted*, That for the purpose of commencing and aiding the fairs, shows, or exhibitions, the Governor is hereby empowered to appoint the first commissioners in each division of the State, with the powers and duties imposed upon them as provided under section twenty-nine of this act. And that the first fair, show, or exhibition in the Eastern division is to be held at Knoxville, in the Middle division at Nashville, and in the Western division at Jackson. And that this act take effect and be in force from and after its passage.

Division fairs  
where held.

WM H. WISENER,  
*Speaker of the House of Representatives,*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 21, 1854.

## CHAPTER CCLVI.

AN ACT to authorize William Carter and others, to build a turnpike road in Obion county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. Carter, and any other person or persons that may associate with him, are hereby authorized to build a turnpike road across the north fork of the Obion river, and its bottoms shall be considered to extend from the Hills on the east side of said river to Lysander L. Adams' steam mill on the west side of said river, in the county of Obion, and said road shall cross said river at or near where the road now crosses from Troy to Dresden, and said Carter and his associates, or their assigns, shall have the use of any timber or dirt to build said road that they may need, but shall be accountable to the owners for the same, at a fair value; and in case that said Carter and his associates, the owners of said timber and dirt cannot agree, the county court of Obion shall appoint three commissioners to value and award the damages for the same.

Sec. 2. *Be it enacted*, That said Carter and his associates shall have the power to sue and be sued, plead and

be impleaded in all the courts of law and equity in this State, as other turnpike companies; and they shall receive the following tolls to-wit: For a six horse wagon and team, sixty cents; for a four horse wagon and team, fifty cents; for a three horse wagon and team, thirty cents; for a two horse wagon and team, twenty cents, for a two horse pleasure carriage, thirty cents; for a one horse pleasure carriage [twenty cents;] for a cart and yoke of oxen, twenty cents; for a man and horse ten cents; for a led horse or mule, five cents; for a horse, mule, or cow beast in a drove, three cents; for a hog or sheep, one cent.

*Style of road.* SEC. 3. *Be it enacted*, That all persons going to or from mill, or to or from musters, or preaching, shall not be subject to pay toll on said road; and said road shall be sixteen feet wide, and at least one foot above high water mark, and there shall be a sufficient number of hollow bridges to give the water free passway through the same; and said road shall be well laid over the top with rails or puncheons; and said Carter and his associates shall have two years from the first of January next, to complete the same.

*Commissioners* SEC. 4. *Be it enacted*, That the county court of Obion county shall appoint three commissioners, who shall examine said road from time to time, and when they are of opinion that said road is out of the order that a first class road should be kept, they shall have the power to open the gate of said road, and it shall stand open until the road is put in order; and said Carter and his associates shall be responsible for all damages that may occur from said road being out of order, on the same; and the commissioners of said road shall be allowed the sum of two dollars per day for their services as commissioners on said road.

*Taylorville Tp Company.* SEC. 5. *Be it enacted*, That the Taylorville Turnpike Company shall be given the further time of ten years to complete their turnpike road.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 5, 1853.

## CHAPTER CCLVII.

AN ACT to incorporate the Lafayette, Rome and Lebanon Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Peter A. Wilkinson, Meredith Johnson, John S. Johnson, John B. Short, of Macon county, John H. Legon, Dr. S. C. Bridgewater, Lipscomb P. McMurry, William S. Alexander, Dr. James L. Alexander, of Smith county, Howell Rucks, Dudley Smith, Dr. James White, P. Anderson, and D. C. Hibbitts, of Wilson county, be, and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of one hundred thousand dollars, in shares of twenty-five dollars, to be paid in money or labor on the road, to be applied to making a turnpike road from Lafayette in Macon county, to Dixon's Springs in Smith county; thence to Alexander's Ferry, on Cumberland river; thence to Lebanon, in Wilson county; and also one branch from said ferry to Rome, in Smith county.

SEC. 2. *Be it enacted*, That so soon as five thousand dollars shall have been subscribed, a meeting of the subscribers shall be held at Dixon's Springs, of which meeting the managers of the subscription shall give twenty days notice by advertisement at Lafayette, Dixon's Springs, Rome and Lebanon; and the said subscribers shall there, or at some subsequent meeting to be by them appointed, elect a board of seven directors, who shall be stockholders, and who shall elect such officers, agents and servants of the company as they may think necessary. Organization.

SEC. 3. *Be it enacted*, That said subscribers for stock, when thus organized, shall constitute a body corporate by the name of the Lafayette, Rome and Lebanon Turnpike Company; and by that name may sue and be sued, contract and be contracted with, and make all necessary rules and regulations not inconsistent with the laws and constitution of this State, for the successful operation of said company.

SEC. 4. *Be it enacted*, That said company shall make said road twenty-four feet wide, with a grade twenty feet wide, and mettled sixteen feet wide; which mettle shall be twelve inches deep in the centre, and six inches deep at the sides. Said road shall be built with an elevation of not more than five degrees, except at the ridge between Lafayette and Dixon's Springs, and at the Style of road.

ridge between Dixon's and Goose Creek ; at which two places, it shall not exceed six degrees in elevation. Said company shall make said road in the same plan of the Lebanon and Trousdale Ferry Turnpike Company, chartered in 1849, and have all the powers and privileges of said company, and be governed by the same rules, regulations, restrictions and liabilities, except as may be herein otherwise provided.

**Gates.** SEC. 5. *Be it enacted*, That so soon as five miles of said road shall be completed from Lebanon, Rome, Dixon's Springs or Lafayette, or either of them, a toll gate may be erected thereon, and toll demanded. Toll gates may be erected on said road at any points the directory may think proper ; *Provided*, they shall not be placed nearer than four miles of each other, nor shall the number be greater than one gate for each five miles ; *And provided further*, that no gate shall be placed nearer than one mile of Lafayette, Dixon's Springs, Rome, or Lebanon.

SEC. 6. *Be it enacted*, That said company shall not be required to build a bridge across Cumberland river, but a good ferry shall be kept up at the point where said road may cross said river.

SEC. 7. *Be it enacted*, That said company may have four years in which time to build said road.

**Shelbyville, Richmond, Petersburg and Fayetteville Tp Company.** SEC. 8. *Be it further enacted*, That the Shelbyville, Richmond, Petersburg and Fayetteville turnpike company have the further time of four years to finish the road to Fayetteville.

**Cornersville & Lewisburg Tp. Company.** SEC. 9. *Be it further enacted*, That the further time of four years, from and after the passage of this act, be given to the Cornersville and Lewisburg turnpike company in which to complete their road, from what is known as the Brick Church, in Giles county, to any point they may choose, in the State of Tennessee, in a southerly direction from said church.

**Fayetteville, Boonshill and Pulaski Tp Co.** SEC. 10. *Be it enacted*, That the further time of four years from and after the passage of this act be given to the Fayetteville, Boonshill and Pulaski turnpike company in which to complete their road.

**Franklin and Lewisburg Tp. Company.** SEC. 11. *Be it enacted*, That the charter of the Franklin and Lewisburg turnpike company be so amended that said company shall not be allowed to put up a gate nearer than one mile to the court house in the town of Franklin.

SEC. 12. *Be it further enacted*, That Watson M. Cooke, Thomas H. Butler, Samuel York, Preston H. Leslee, David Myres, James W. Draper, Ensly Willmore, Leon-

ard Jones, A. W. Dewhitt, Jackson Perry, Joseph Roddy, James Cunningham, David Griffith, John M. Clark, Edwin Price, Carroll Cherry, Benjamin C. White, Christopher Olemons, James Crawford, George Jenkins, William Plumlee, Hiram Crabtree, Robert Pedigo, Christopher Eakle and Andrew Boman, be and they are hereby incorporated a body politic and corporate to open books and receive stock for the purpose of constructing the Jennings and Line creeks turnpike road from Gainsboro' by the nearest and most direct route to the Kentucky State line, in the direction of Tompkinsville, Kentucky.

Jennings and  
Line Creek Tp  
road.

Sec. 13. *Be it enacted*, That so soon as five thousand dollars in cash are subscribed for the purpose of building said road, or sufficient in labor for that purpose, then there shall be a meeting of the subscribers to said road at the Big Spring on Jennings creek in Jackson county, upon ten days' notice being given at the court house in the town of Gainsboro', Big Spring, and Centerville, who shall proceed to elect seven directors to manage the affairs of said company, which directors shall be elected from among the stockholders. The directors shall proceed to elect a president, secretary and treasurer from their number, who shall hold their offices and execute the duties of the same under such rules and regulations as shall be prescribed by said [directory] for twelve months, and until the election of their successors.

Organization.

Sec. 14. *Be it enacted*, That said company shall complete said road in such manner as the Macon and Sumner turnpike road company are required to do, and shall have all the rights and privileges, and be subject to all the restrictions and limitations of the same; *Provided, however*, it shall be compelled to bridge Line and Jennings creeks on the line of said road, in a good and substantial manner.

Sec. 15. *Be it enacted*, That four years from and after the passage of this act be allowed to the Shelbyville and Flat Creek turnpike company in which to complete their road.

Shelbyville &  
Flat Creek Tp.  
Company.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CCLVIII.

AN ACT to incorporate the Flynn's Lick and Granville Turnpike Company.

**SECTION 1.** *Be it enacted, by the General Assembly of the State of Tennessee,* That Milton Draper, Charles C. Price, Thomas J. Jones and Joshua Haile, at Flynn's Lick; David G. Shepherd, William B. Williamson, Matthew C. McKinley, John Hughes and Henry W. Sadler, at Granville; and Charles H. Burton, Lawson Draper, J. H. Amonett and Dr. Faine, at Burton's Store, be, and they are hereby appointed commissioners to open books at the above named places, for the purpose of receiving subscription to the amount of thirty thousand dollars, if necessary to complete said road, in shares of twenty dollars each, to be applied to making a turnpike road from the Carthage and Sparta Turnpike road, near the Pond Spring in Jackson county, via Granville to Flynn's Lick, of said county.

Organisation.

**SEC. 2.** *Be it enacted,* That so soon as there shall be five thousand dollars subscribed, a meeting of the subscribers shall be held at Granville; of which meeting, the managers of the subscription shall give twenty days' notice by advertisement at Granville, Flynn's Lick and Burton's Store; and the said subscribers shall then, or at some subsequent meeting, to be by them appointed, elect a board of eleven directors, who shall be stockholders, and who shall elect such officers, agents and servants of their company as they may think necessary.

**SEC. 3.** *Be it enacted,* That said subscribers for stock, when thus organized, shall constitute a body corporate, by the name of the Flynn's Lick and Granville Turnpike Company; and by that name may sue and be sued, contract and be contracted with, and make all necessary rules and regulations not inconsistent with the laws or of the constitution of this State, for the successful operations of said company.

Style of road.

**SEC. 4.** *Be it enacted,* That said road shall be constructed on the nearest and best route from Flynn's Lick, by Granville, to intersect with the Carthage and Sparta Turnpike Road near the Pond Springs. Said road shall be opened, wherever not impracticable, twenty feet wide, thrown up in the centre, and McAdamized twelve feet in the centre, and shall be graded so that no portion shall be more than five degrees elevation, except where it crosses the hill between Flynn's Lick and Granville, and at the hill near Pond Spring.

**SEC. 5.** *Be it enacted,* That so soon as the road shall

be [completed from the turnpike near Pond Spring, to Granville, a toll gate may be erected thereon, and toll demanded at the following rates—viz: For each man and horse, five cents; for each loaded wagon, twenty-five cents; for each empty wagon, twelve and a half cents; for each pleasure carriage, with two horses, fifty cents; with one horse, twenty-five cents; for each led horse, three cents; for each horse in a drove, one cent; for each cow, steer or calf in a drove, one cent; for each mule in a drove, two cents; for each loaded cart, twenty cents, if empty, ten cents; every vehicle used as a burden shall be charged as a wagon; and so soon as the road is completed from Granville to Flynn's Lick, said company may erect another gate, at which they may charge, in all respects, as much as at the aforesaid gate.

Rates of toll.

SEC. 6. *Be it enacted*, That said company shall have all the powers of a corporation in the State that by law is incidental thereunto, and shall continue for ninety-nine years. All officers of said road shall be elected for one year and no more, and have power to fill vacancies. Said company shall have five years to complete said road.

SEC. 7. *Be it enacted*, That there is granted to Barlow Fisk, a turnpike road from a point on the Sparta and Craborchard road east of the town of Sparta in the county of White, the nearest and most practicable route to the town of Montgomery in the county of Morgan, to intersect with Julien Scott's turnpike road, and four years is hereby given him to complete the same, and he shall have the exclusive right to charge toll at one gate thereon, for thirty years from the time the same is, by this act, to be completed.

B. Fisk's road.

SEC. 8. *Be it enacted*, That the said proprietors shall open and put the said road in the same repair as is required by an act passed the 28th day of June, 1842, granting to Elisha Frost a turnpike road; shall be liable to the same penalties, and have the same rights and powers as is therein prescribed.

SEC. 9. *Be it enacted*, That Thomas H. Fancher and Dudley Hudgens, of the county of White, are hereby appointed commissioners on said road to view the same as prescribed in the above recited act; and the proprietors shall have the same rates of toll as is allowed to said Frost in the above recited act, and have the same rights and powers as is therein prescribed; and the said commissioners shall receive two dollars each, per day, to be paid by the proprietor.

Commissioners

**SEC. 10.** *Be it enacted,* That the people traveling on the Lebanon and Trousdale's Ferry Turnpike road, shall have the privilege of passing free through the first gate located on the Hartsville and Carthage Turnpike road, east of the juncture of the Hartsville and Carthage, and the Lebanon and Trousdale's Ferry Turnpike road, unless said gate is located at least four miles from the most eastern gate on the Lebanon and Trousdale's Ferry Turnpike road.

**SEC. 11.** *Be it enacted,* That the Flynn's Lick and Granville Turnpike Company are hereby authorized to extend said road from Flynn's Lick to the town of Gainsborough, and shall have one gate on said additional section of said road. *Provided,* that said toll gate shall not be nearer than one mile and a half from Gainsborough.

**SEC. 12.** *Be it further enacted,* That George McWhirter, John H. Tolbert and Thomas Cassety, of Gainsborough, be, and the same are hereby appointed additional commissioners to act in conjunction with the original commissioners heretofore appointed by this act, or act separately as a majority of said commissioners may determine.

**SEC. 13.** *Be it further enacted,* That the act passed on the 24th day of January, 1852, entitled "an act to incorporate the Huntsville Turnpike Company," be, and the same is hereby repealed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.



## CHAPTER CCLIX.

AN ACT to amend the several acts chartering the Shelbyville and Fayetteville Turnpike Company, and compiling the same into one act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Winston W. Gill, Robert S. Dwiggins, Littlebury L. Stone, Hugh Thomason, and two other subscribers to stock in the Fayetteville and Shelbyville Turnpike Company, together with those that may hereafter become stockholders, shall be, and are hereby constituted a body politic and corporate, by the name of the Shelbyville and Fayetteville Turnpike Company, and shall possess and enjoy all the rights, powers and privileges heretofore conferred by the Legislature in the several acts of incorporation heretofore granted to them, together with such additional rights, powers and privileges as may be by this act conferred.

SEC. 2. *Be it enacted*, That as the said road has already been commenced and prosecuted nearly to completion, under the charter of incorporation as it now stands, that the further time of four years from and after the first day of January, 1854, be granted in them to finish the said road.

SEC. 3. *Be it enacted*, That the said road shall be opened at least thirty feet wide, and graded sixteen feet, with ditches at each side to carry off the water; the surface shall gradually descend from the centre to the ditches, and be gradually paved with stone or gravel, and shall have substantial and sufficient bridges wherever they are necessary. Style of road.

SEC. 4. *Be it enacted*, That any person or persons subscribing in said road may subscribe and take so much of said road, designating the part and the distance of the road so taken, which he or they shall build and complete in the manner required by the third section of this act, and within the time prescribed by his said subscription; and upon his or their failure to complete the portion of the road thus designated and marked out, as required by the charter, or within the time specified by his contract, he or they thus failing, shall be liable to pay such damages as the company may have sustained by reason of his or their failure, to be recovered by action in any court having jurisdiction to try the same.

SEC. 5. *Be it enacted*, That the present subscribers for stock, together with such persons as may hereafter become stockholders, shall elect seven directors, who shall be stockholders, who shall elect one of their number Directors.

president of the board of directors, and the president and directors thus chosen, shall continue in office two years, and until another election shall take place to fill their places; of which election, notice shall be given in some newspaper printed in Shelbyville or Fayetteville; they shall also make contracts for the opening and constructing of said road; and they may ratify all contracts already made in the construction of said road; they may from time to time require such advances on the shares subscribed as the wants of the company may require; they shall have power at any time they may desire, to call together a meeting of the stockholders; they may elect a clerk, treasurer, and such other officers as may be necessary to transact the business of said company, and prescribe the duties and fix the pay of all officers or agents appointed by them, and do and transact all the business of the said company.

**SEC. 6.** *Be it enacted,* That if any subscriber shall fail to pay any calls that are made by the said president and directors, or pay his subscription after all of the calls are due, the said president and directors may sue said stockholders for said calls or subscription in any circuit court of this State having jurisdiction to try the same.

**SEC. 7.** *Be it enacted,* That the president and directors, or any five them, shall be sufficient to transact ordinary business, and all vacancies that shall happen in the board between the regular meetings of the stockholders, shall be supplied by the directors.

**SEC. 8.** *Be it enacted,* That such subscriber who pays up his stock, whether in money or by work, shall receive a certificate of his number of shares from the said board, signed by its president, and such certificate may be by said stockholder sold, and assigned to whoever may desire to purchase the same, by regular transfer, and which shall vest in the purchaser all the rights, and subject to all the liabilities of the original stockholders.

**SEC. 9.** *Be it enacted,* That if any person over whose land said road may run, claims damages for the same, and he or they and the company cannot agree on the amount, he may apply to the circuit court at its next or  
 Damages. any subsequent term, by petition, setting forth the nature of the case, and the court shall appoint a jury of five disinterested persons to go upon the ground, and after being sworn by the sheriff to assess the amount of damages which in their judgment the petitioner has sustained, by the said road running through his or her land; which assessment of damages shall be made out and

signed by the said jury, and returned to the next term of the said court, and a judgment shall be entered and execution issued for the same, against the said president and directors, in favor of the person entitled to the same. In making out their report the jury shall take into view the advantages of said road to the petitioner; the property in the said road when completed, shall vest in the said company and their successors, for the purpose of a highway, which shall be free for all persons on the terms and conditions herein prescribed, and the same shall not be liable to taxation; either party being dissatisfied with the finding of the jury, may appeal in the circuit court, where the matter in controversy may again be tried, first giving bond for costs.

**Sec. 10. *Be it enacted,*** That the president and directors may purchase for the use of the company, any quantity of land, not exceeding one hundred acres, adjacent to each toll gate, and take conveyances therefor to themselves and their successors, and for the purpose of making said road, and keeping it in repair, the said president and directors, or their agents or servants, may cut, dig, quarry and take from any land adjoining said road or way it may be most convenient thereto, such timber, stone, earth or gravel, as may be necessary for constructing and keeping said road in repair; and if any person from whose land any timber, stone, or gravel may be taken, shall conceive himself injured, and the amount of damages cannot be agreed upon, between himself and the company, the matter shall be settled in the same manner prescribed in the ninth section of this act. May take material.

**Sec. 11. *Be it enacted,*** That the said road shall, in its grade, not exceed five degrees, and only three at such places as in the [opinion of the] president and directors may seem necessary and proper, the ordinary grade shall be three degrees.

**Sec. 12. *Be it enacted,*** That the said president and directors may sue and recover for any damages that may be done to the bed of said road, by any person digging up or otherwise injuring the same, or by filling up the ditches or obstructing the same, so as to injure the road.

**Sec. 13. *Be it enacted,*** That whenever five miles of said road is finished, beginning at Shelbyville or Fayetteville, said company may erect one toll gate, and continue to erect one for every additional five miles of said road completed, according to the intent and meaning of Gates.

this act, but no toll gate shall be erected nearer Shelbyville and Fayetteville than one mile.

**Rates of toll.** SEC. 14. *Be it enacted*, That the company may demand and are authorized to receive toll at each gate, not exceeding the following rate: for every twenty head of hogs or sheep, twenty cents; for every twenty head of cattle, fifty cents; for every horse or mule not in a drove, nor employed in drawing a carriage or wagon, five cents, and if in a drove two cents, and so in proportion for any greater or less number of said animals; for every four wheeled carriage, twenty-five cents; for every loaded wagon, twenty-five cents; for every empty wagon, ten cents; for every buggy, ten cents; for every two horse loaded wagon, twenty cents; empty, ten cents; for every cart loaded, fifteen cents, empty, five cents; for every barouche, twenty cents; for every man and horse, five cents, which toll shall be paid at each gate set up under the provisions of this act.

SEC. 15. *Be it enacted*, That the said president and directors shall apply, as fast as they receive the said tolls, the money thus received, to the finishing the residue of the road not already contracted for, and no dividends shall be declared until the said road is completed, and the debts of the company paid up.

**Penalty for passing gates.** SEC. 16. *Be it enacted*, That should any person refuse to pay the toll hereby granted, at the time of offering to pass any gate, or shall evade or avoid paying said toll, by riding around said gate, or passing through without stopping, the toll-gatherer may, by warrant before any justice of the peace, receive from the owner or person liable for the toll, five dollars for each offence.

**Road out of repair.** SEC. 17. *Be it enacted*, That if the said company shall fail to keep said road in repair at any time, for the space of twenty days, upon information thereof to any justice of the peace of the county, he shall issue a warrant to some constable, commanding him to summon three freeholders, to meet at a certain time and place therein specified, five days' having been given to the keeper of the nearest toll gate, or the president of the company; and if by said freeholders, in the presence of the justice, the road shall be found out of repair according to the intent and meaning of this act, the toll hereby granted shall be caused to be demanded at the nearest gate, until said defective part of said road shall be put in good repair.

**Stock in work.** SEC. 18. *Be it enacted*, That whenever either of the stockholders have done any part of the turnpike in work,

and the value of the same may be ascertained by the election of three disinterested persons, by the said stockholders, who shall go on the said road and ascertain the value thereof, and report the same to the president and directors of said road, by whom it shall be ordered to be spread on the minutes of the board, and then a certificate of stock shall issue to the stockholder for the amount thus ascertained; and in making said valuation, any two of said commissioners may act, and their assessment shall be binding.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.]*

Passed, January 31, 1854.

## CHAPTER CCLX.

AN ACT to incorporate the Lynn Cottage Turnpike Company in the county of Williamson, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of an act passed January 24, 1850, entitled, "an act to incorporate the Franklin and Murfreesborough Turnpike Company, as applies to the county of Williamson, be, and the same is hereby repealed.

SEC. 2. *Be it enacted*, That William F. Carter, Allen T. Nolen, Gilbert Marshall, James Carothers and Wm. O. N. Perkins, or any three of them together, be, and they are hereby appointed commissioners to open books at any time and place they may choose, for the subscription of stock to be used in the construction of a McAdamsized turnpike road running from near the town of Franklin to the Harpeth turnpike road. Commissioners

SEC. 3. *Be it enacted*, That the capital stock of said company shall be a sufficient sum to construct said road, Capital stock. not to exceed twenty-five thousand dollars, divided into shares of twenty-five dollars each.

SEC. 4. *Be it enacted*, That so soon as three thousand dollars of stock of the said road shall be subscribed for Officers. in cash or labor, any three or more of said commissioners shall call a meeting of the stockholders of said company, in the town of Franklin, by giving ten days'

they (the directors) may see fit, under penalty of the forfeiture of the share or shares of such delinquent stockholders, and of the payments previously made thereon, thirty days' notice being given in some newspaper in the town of Nashville of such call.

**Commissioners** SEC. 16. *Be it enacted*, That Orville Ewing, V. K. Stevenson, Samuel Watkins, R. J. Meigs, William P. Downs, John Coltart, Jno. B. Johnson, and A. C. Norvell, are hereby appointed commissioners, and they, or a majority of them, shall open books of subscription to the capital stock of said company, giving twenty days' notice thereof, and when the number of two hundred and fifty shares shall have been subscribed, they shall, after due notice, proceed to elect seven directors, who, with a president elected by them from their own body, shall manage the affairs of said company, and hold their office for one year, or until their successors are chosen. The election of said directors shall be annual, and each stockholder shall have one vote, which may be given by proxy, for every share he may hold; *Provided*, that the privileges herein granted, shall continue not longer than ninety-nine years.

SEC. 17. *Be it enacted*, That the said company shall have the same powers and privileges to condemn lands as is conferred by the 24th section of the charter of the Nashville and Chattanooga Railroad Company.

**J. T. Scott's road.** SEC. 18. *Be it enacted*, That an act passed February 26th, 1852, authorizeing J. F. Scott and others, to open a turnpike road in the counties of Morgan and Roane, be so amended as to release said company of making their road that no elevation exceed 7 degrees; and repeal that portion that authorizes said company to erect a gate on said road, and that said road be extended to the south bank of Tennessee river.

**Columbia and Hampshire Tp road.** SEC. 19. *Be it enacted*, That the nineteenth section of an act passed January 23, 1850, entitled "an act to charter the Franklin and West Harpeth Turnpike Company," be so amended as to allow the Columbia and Hampshire Turnpike Company the further time of four years in which to complete said road, in addition to the time specified in the nineteenth section of the above recited act.

**Columbia and Campbellsville Tp. Company.** SEC. 20. *Be it enacted*, That the seventh section of an act passed February 7, 1850, entitled "an act to authorize the formation of Turnpike Companies," be so amended as to authorise the Columbia and Campbellsville Tp. Company. Turnpike Company to build said road, or any part of said road, by putting thereon one coat of stone or gravel,

instead of two, which shall be sixteen feet wide and nine inches thick.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER COLXI.

AN ACT to incorporate the Canoe Branch Turnpike Company, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That John L. Swaney, David Dickinson, Alex. Baskerville, Richard Hall, Humphrey Bate, jr., James Gourley, David Chenault and Nelson Turner, be, and are hereby appointed commissioners to open books and receive subscriptions for the purpose of constructing a turnpike road from the mouth of Canoe Branch, on Cumberland river, by the way of the Castalian Springs, to intersect the Gallatin and Scottsville Turnpike road at such point, by the most direct route, as the directors shall designate.

**SEC. 2.** *Be it enacted,* That so soon as stock sufficient to construct one third of said road shall be taken, a meeting of the stockholders shall be held at the Castalian Springs, twenty days' notice having been given by those having subscription lists, at three public places along the contemplated line of said road, of the time and place of said meeting; and a majority of the shares being represented, the stockholders shall proceed to elect, out of their number, five directors, who shall continue in office twelve months, and until their successors are elected. Organization.

**SEC. 3.** *Be it enacted,* That from and after the first meeting, as provided for in the preceding section, the stockholders and all those who may hereafter become stockholders, shall be, and are hereby constituted a body politic and corporate by the name of the Canoe Branch Turnpike Company; and shall so continue; who may own, buy and sell property, sue and be sued, plead and be impleaded in all the courts of this State and elsewhere.

they (the directors) may see fit, under penalty of the forfeiture of the share or shares of such delinquent stockholders, and of the payments previously made thereon, thirty days' notice being given in some newspaper in the town of Nashville of such call.

**Commissioners** SEC. 16. *Be it enacted*, That Orville Ewing, V. K. Stevenson, Samuel Watkins, R. J. Meigs, William P. Downs, John Coltart, Jno. B. Johnson, and A. C. Norvell, are hereby appointed commissioners, and they, or a majority of them, shall open books of subscription to the capital stock of said company, giving twenty days' notice thereof, and when the number of two hundred and fifty shares shall have been subscribed, they shall, after due notice, proceed to elect seven directors, who, with a president elected by them from their own body, shall manage the affairs of said company, and hold their office for one year, or until their successors are chosen. The election of said directors shall be annual, and each stockholder shall have one vote, which may be given by proxy, for every share he may hold; *Provided*, that the privileges herein granted, shall continue not longer than ninety-nine years.

SEC. 17. *Be it enacted*, That the said company shall have the same powers and privileges to condemn lands as is conferred by the 24th section of the charter of the Nashville and Chattanooga Railroad Company.

**J. T. Scott's road.** SEC. 18. *Be it enacted*, That an act passed February 26th, 1852, authorizeing J. F. Scott and others, to open a turnpike road in the counties of Morgan and Roane, be so amended as to release said company of making their road that no elevation exceed 7 degrees; and repeal that portion that authorizes said company to erect a gate on said road, and that said road be extended to the south bank of Tennessee river.

**Columbia and Hampshire Tp road.** SEC. 19. *Be it enacted*, That the nineteenth section of an act passed January 23, 1850, entitled "an act to charter the Franklin and West Harpeth Turnpike Company," be so amended as to allow the Columbia and Hampshire Turnpike Company the further time of four years in which to complete said road, in addition to the time specified in the nineteenth section of the above recited act.

**Columbia and Campbellsville Tp. Company.** SEC. 20. *Be it enacted*, That the seventh section of an act passed February 7, 1850, entitled "an act to authorize the formation of Turnpike Companies," be so amended as to authorise the Columbia and Campbellsville Turnpike Company to build said road, or any part of said road, by putting thereon one coat of stone or gravel,



instead of two, which shall be sixteen feet wide and nine inches thick.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER COLXI.

**AN ACT to incorporate the Canoe Branch Turnpike Company, and for other purposes.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That John L. Swaney, David Dickinson, Alex. Baskerville, Richard Hall, Humphrey Bate, jr., James Gourley, David Chenault and Nelson Turner, be, and are hereby appointed commissioners to open books and receive subscriptions for the purpose of constructing a turnpike road from the mouth of Canoe Branch, on Cumberland river, by the way of the Castalian Springs, to intersect the Gallatin and Scottsville Turnpike road at such point, by the most direct route, as the directors shall designate.

**Sec. 2.** *Be it enacted,* That so soon as stock sufficient to construct one third of said road shall be taken, a meeting of the stockholders shall be held at the Castalian Springs, twenty days' notice having been given by those having subscription lists, at three public places along the contemplated line of said road, of the time and place of said meeting; and a majority of the shares being represented, the stockholders shall proceed to elect, out of their number, five directors, who shall continue in office twelve months, and until their successors are elected.

**Sec. 3.** *Be it enacted,* That from and after the first meeting, as provided for in the preceding section, the stockholders and all those who may hereafter become stockholders, shall be, and are hereby constituted a body politic and corporate by the name of the Canoe Branch Turnpike Company; and shall so continue; who may own, buy and sell property, sue and be sued, plead and be impleaded in all the courts of this State and elsewhere.

**SEC. 4. *Be it enacted,*** That subscriptions in said road may be made in money or work; the subscriber designating, if in work, what part, and how much of said road he will build, in his subscription; and if in money how many shares he will take, twenty-five dollars constituting a share.

**SEC. 5. *Be it enacted,*** That the directors shall, as soon  
 Location. after their election as practicable, proceed to lay off and mark said road, on the shortest, most direct and practicable route from the river to such point on the Gallatin and Scottsville turnpike road as they may think best for the interest of the company; and such location, when approved by a majority of said directors, shall be final.

**SEC. 6. *Be it enacted,*** That said road shall be bedded  
 Style of road. twenty feet wide, and graded to at least five degrees of a level, with sufficient slope from the middle to carry off the water, and culverts wherever necessary; and shall be metaled at least sixteen feet wide, ten inches thick in the middle, and falling off to four inches at the edges. All the streams along the line of said road shall be bridged in a safe and substantial manner, except Bledsoe's creek, which, if crossed at all, said company shall not be required to bridge.

**SEC. 7. *Be it enacted,*** That so soon as said company shall have completed said road from the mouth of Canoe  
 Gates. Branch to the Gallatin and Scottsville Turnpike, they shall be entitled to two gates and no more; which gates shall not be less than five miles apart; *Provided,* that one gate may be erected so soon as five continuous miles are completed on any part of the road.

**SEC. 8. *Be it enacted,*** That if after the expiration of six months, any part of said road shall remain untaken, the directors, after giving ten days' notice of the time and place; shall proceed to let out the remainder in sections, to the lowest bidder, to be paid for out of the funds of the company; *Provided,* a sufficiency shall have been subscribed for such purposes.

**SEC. 9. *Be it enacted,*** That when said road shall have been completed, three disinterested persons, not related to the parties, shall be chosen by the stockholders, to value the work subscribed upon the same; who shall proceed to examine it and report their valuation to the directors, which shall be entered on the books of the company, and constitute so much stock in said turnpike company, belonging to the stockholder who did the work.

**SEC. 10. *Be it enacted,*** That upon the application of the directors, after the completion of the road, it shall

be the duty of the county court to appoint three disinterested commissioners, not related to the parties, to examine said road and report if the same be completed according to the terms of the charter; and upon its being reported that the road has been so completed, the court shall make an order authorizing the erection of gates as heretofore provided. If, however, the company [desire] to erect a gate as soon as a section of five miles are finished as authorized in another section, this application may be then made, and again, when the balance of the road shall be finished.

SEC. 11. *Be it enacted*, That the president and directors, or any three of them, shall be sufficient to transact business; and all vacancies which may happen in the board between the regular meetings of the stockholders, shall be supplied by the directors, three being present. They shall render a full and fair account of their proceedings, and the disbursement and receipt of money, to each of the general meetings. The time and place of the meeting of directors, shall be fixed and regulated by themselves.

SEC. 12. *Be it enacted*, That so soon as any section shall have been finished, and valued as provided for, or any cash subscription shall have been paid, it shall be the duty of the directors to cause to be prepared, and to issue to subscribers whose work is done, or subscriptions paid, certificates of stock therefor, signed by the president of the board, and attested by the secretary; which certificates may be transferred by endorsement, or assignment attached to the same, said endorsement or assignment being acknowledged by the vendor, or proved by two witnesses before the board or secretary.

SEC. 13. *Be it enacted*, That the rates of toll shall be the same as those charged by the Nashville and Gallatin Turnpike road. *Provided*, that no person going to mill on horseback shall be charged.

SEC. 14. *Be it enacted*, That said company shall have the privilege of changing the location of their gates at any time; *Provided*, they shall never be nearer to each other than five miles.

SEC. 15. *Be it enacted*, That said road shall be completed in three years from the first of January, 1854, or this charter shall be forfeited.

SEC. 16. *Be it further enacted*, That Jos. C. Guild, Wm. H. Crutcher, John Gourley, Daniel Escue, Mitchell R. Moore, Edward B. Smith, Eli Odom, Jesse Harper, D. P. Bullock, Samuel Gorley and John W. Head, of the county of Sumner; and Isaac G. Coles, of the county of Gallatin and Coles' Fer. Tp.

Wilson, be, and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of twenty thousand dollars, in shares of twenty-five dollars, to be applied to making a turnpike road from Gallatin to Cole's Ferry on Cumberland river, in the county of Sumner.

Organization. **Sec. 17. *Be it enacted,*** That so soon as three thousand dollars shall have been subscribed, a meeting of the subscribers shall be held at Gallatin, of which meeting the managers of the subscription shall give twenty days' notice by advertisement at Gallatin; and the said subscribers shall then, or at some subsequent meeting to be by them appointed, elect a board of five directors, who shall be stockholders, and who shall elect such officers, agents and servants of the company as they may think necessary.

**Sec. 18. *Be it enacted,*** That said subscribers for stock, when thus organized, shall constitute a body corporate by the name of the "Gallatin and Coles' Ferry Turnpike Company," and by that name may sue and be sued, contract and be contracted with, and make all necessary rules and regulations, not inconsistent with the laws and constitution of this State, for the successful operations of said company.

Style of road. **Sec. 19. *Be it enacted,*** That said company shall make said road not less than twenty feet wide, sixteen feet of which shall be made out of stone or gravel in such a manner as to secure a firm, substantial and smooth road, and said road shall be graded within a level of five degrees at least, and said company shall have all the powers and privileges of the Lebanon and Trousdale's Ferry Turnpike Company chartered in 1849-50, and be governed by the same rules, regulations, and liabilities except as may be herein otherwise provided.

Gates, &c. **Sec. 20. *Be it further enacted,*** That when said road is completed from Gallatin to Coles' Ferry, said company may put one gate upon said road and charge the same tolls that other turnpike companies in this State are entitled to charge. And said company may have four years from the passage of this act to complete said road.

WM. H. WISENER,  
Speaker of the House of Representatives.  
EDWIN POLK,  
Speaker of the Senate.

Passed, January 26, 1854.

## CHAPTER CCLXII.

AN ACT to amend the Stone's River and Statesville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Stone's River and Statesville Turnpike Company shall have the further time of four years in which to complete the Stone's River and Statesville turnpike from and after the passage of this act.

SEC. 2. *Be it enacted*, That the Shelbyville, Farmington and Lewisburg turnpike company have the further time of two years from and after the first day of January, 1854, to finish said turnpike road. Shelbyville, Farmington & Lewisburg Tp. Company.

SEC. 3. *Be it further enacted*, That the charter of the Memphis and Germantown turnpike company be so amended that the company may change the location of their toll gates, either forwards or backwards, to suit the convenience of said company; *Provided*, they do not increase the number of gates already provided for in their charter. Memphis and Germantown Tp. Company.

SEC. 4. *Be it further enacted*, That the Elizabethton and North Carolina turnpike company passed on the 9th day of February, 1850, shall have the further time of four years from and after the passage of this act to complete said road. Elizabethton & N. Carolina Tp. Company.

SEC. 5. *Be it further enacted*, That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body politic and corporate by the name and style of the Market or College Street and Cumberland Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate, by law, for the space of ninety-nine years, and shall have succession. Market or College st. & Cumberland T. Co.

SEC. 6. *Be it enacted*, That the capital stock of the said company shall not exceed ten thousand dollars or whatever sum may be necessary to build said road and a ferry across the Cumberland river, and said capital stock shall be divided into shares of twenty-five dollars each. Capital stock.

SEC. 7. *Be it enacted*, That Gilbert Marshall, James Yarborough, Wilkins Garrett, F. G. Earthman, G. Lannier, Thomas Bizen, Dr. D. T. Scott, Dan. Young, J. R. Garrett and W. S. Whiteman, or any other person or persons who may wish to take stock in said road or any five of them, be and are hereby appointed commission- Commissioners

ers to open books to receive subscription for stock in said company, at such times and places as they may think best; and so soon as three thousand dollars is subscribed, the stockholders shall be notified at least ten days, through any of the Nashville newspapers, of a day appointed to elect five directors to manage the affairs of said road, and that said directors shall select from their number a president.

**Route.** SEC. 8. *Be it enacted*, That the county court shall appoint three or five disinterested commissioners to lay off said road at the expense of said company, commencing at the lower end of Market street extended, near Nashville, and take the most direct and practicable route to old Brooks' ferry across the Cumberland river, and thence to the White's creek pike nearly opposite to Mr. Link's residence, and the said commissioners shall have power to assess damages, where any accrues, and shall also deduct from the damages such advantages as shall in their judgment arise from said road and ferry.

**Style of road.** SEC. 9. *Be it enacted*, That said road shall be twenty feet wide, and graded and McAdamized, or gravelled, as other turnpike roads, excepting the grading where it crosses the Cumberland river, which shall be graded as low as practicable and not exceeding five degrees; said company shall not be held accountable for damages or detention in crossing the river or passing on said road, by floods or freshets in the Cumberland river.

**A bridge.** SEC. 10. *Be it enacted*, That said company are authorized and empowered to construct and build a floating bridge to cross the Cumberland river at their crossing point; *provided*, that said floating bridge shall be so constructed as to open or draw at the proper point for boats and rafts of all classes to pass, and that no detention shall accrue to the navigation of the river, either for boats or rafts; and it may further be for the option of the company to cross the river by ferry, buoy, horse, or steamboat, either in part or whole, as they may elect, and said company shall have the right to charge, as soon as they get their banks built, the same for crossing that other public ferries on the Cumberland river charge, and subject to the same regulations, &c.; and said company shall enjoy all the privileges and advantages guarantied to other turnpike companies and ferries, and governed by the same laws and regulations delegated to them, except so far as is otherwise provided in this act.

SEC. 11. *Be it further enacted*, That James Yergain, Wm. C. Smartt, Samuel Fuston, H. H. Harrison, of the

county of Warren, and P. M. Wade, Barney L. Johnson, William H. Magnes, M. M. Brien, of the county of DeKalb, be, and they are hereby appointed commissioners to open books and receive subscriptions for the purpose of opening and constructing a turnpike road from the northern line of the corporation of the town of McMinnville, in the county of Warren, to the town of Smithville, in the county of DeKalb. The shares of stock in said road shall be twenty-five dollars each, and when an amount is subscribed, which in the estimation of the commissioners herein appointed, or a majority of them, is sufficient to construct the said road, there shall be a meeting of the stockholders at the town of McMinnville; of which meeting, notice shall be given for three successive weeks in the "McMinnville Enterprise;" at which meeting, if there is a majority of stockholders present, or a majority of the stock represented, they may proceed to organize by the election of seven directors, and also of a president, secretary and treasurer, who shall continue in office until the next annual election, or until their successors are appointed. The said board of directors shall have power to fix the salaries of their officers and agents, to make contracts for the construction of said road, bridges, &c., and may, from time to time, make such calls on the stock subscribed as may be necessary; *Provided, however*, that they shall not be allowed to call more than two dollars and fifty cents on each share of stock at any one time, and of which call twenty days' notice shall be given. And the said president and directors shall have power to transact all and any business that may be necessary to the construction of the road, keeping it in repair, or carrying on their regular business on the same when completed. And the said company shall be incorporated under the name and style of the McMinnville and Smithville Turnpike Company, with all the privileges and powers pertaining to similar corporations; and with the restrictions and liabilities thereunto appertaining, as is contained in the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th and 10th sections of an act passed January 20th, 1838, to incorporate the Charlotte, Waverly and Reynoldsburg turnpike company, so far as said sections are applicable to this charter; and the notice required to be given in said sections in some newspaper published in Nashville, shall be given in some newspaper published in McMinnville; and the said company shall have the right to erect a toll gate on every five miles that may be finished of said road, and may collect and receive the

McMinnville &  
Smithville Tp.  
Company.

same tolls as the Nashville and Lebanon turnpike company is now authorized to receive by law.

SEC. 12. *Be it further enacted*, That said company shall have power to extend said road so as to intersect the Kentucky line at such point as they may deem proper.

SEC. 13. *Be it further enacted*, That N. C. Winston, Gifford, Lafay- Samuel Lesview, E. Gifford, W. G. Lawson, Jno. Wood, ette, Red Sp'g G. Beverley, J. L. Carter, W. C. Bransford, A. J. Johnson, John Johnson, B. Wright, and William Kearley, are Tp. Company. hereby incorporated by the name and style of the Gifford, Lafayette and Red Spring Turnpike Company, and by that name may sue and be sued, and are constituted a body politic and corporate, with succession for fifty years, and are vested with all the corporate powers, privileges and immunities, and subject to all the restrictions of the Hartsville and Carthage turnpike company, (except as otherwise provided in this act,) for constructing, keeping in repair, and using a turnpike road commencing at or near E. Gifford's, on the Hartsville and Lafayette turnpike road, running north by N. C. Winston's, and crossing Goose creek at Caruthers' ford; thence up the east fork of said creek, by J. L. Carter's, in the direction of Lafayette, in Macon county.

SEC. 14. *Be it enacted*, That said company shall not be required to build a bridge over Goose creek, at Caruther's ford, and that said road shall not exceed six degrees to the mile.

Style of road.

SEC. 15. *Be it enacted*, That the capital stock of said company shall be five thousand dollars, in shares of twenty-five dollars each, with the privilege of increasing the same to any amount sufficient to complete said road; and said stock may be taken in labor or money; and where said stock is taken in labor, such labor is to be valued by three disinterested persons.

SEC. 16. *Be it further enacted*, That when said company have completed five miles of said road according Gates. to the provisions of this act, the company shall have the privilege of erecting one gate, and charge the same rates of toll that are allowed to the Hartsville and Carthage turnpike company; and for every five miles after the terminus of the first five miles, one other gate; and said company shall have four years to complete said road,

SEC. 17. *Be it further enacted*, That Richard Hall, Sumner & Ma- Reuben Brown, Abner Dickinson, John Wilkes, Francis con Tp. Co. Yourie, William Stovall, — Rickman, John Henry, Samuel Adams, Lewis Mills, — Tucker, Ephraim



Bursley, and all other persons who may become stockholders pursuant to the provisions of this act, shall be, and are hereby constituted a body corporate and politic, by the name and style of the Sumner and Macon Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and shall have succession for ninety-nine years.

SEC. 18. *Be it enacted*, That the persons named in the foregoing section, or any five of them, are hereby appointed commissioners to open books to receive subscriptions for stock in said company, at such times and places as they may deem most suitable. Said books to be opened in six months from the passage of this act; and said commissioners are authorized to receive such subscriptions in money or labor. If the whole extent of said road shall not be taken, the residue may be let out for construction to the lowest bidder, at public or private lettings, by directors elected by the stockholders, or other authorized agents.

SEC. 19. *Be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to an amount sufficient to complete said road; and said capital stock shall be divided into shares of fifty dollars each, to be applied in the construction and keeping in repair a turnpike road, beginning at Castalian Springs, and extending north-eastwardly to the town of Layfayette, in Macon county, by the nearest and most practicable route.

Capital stock.

SEC. 20. *Be it enacted*, That when five thousand dollars shall be subscribed, or a sufficient amount to construct five miles of said road, a meeting of the stockholders may be held at such place as said commissioners may appoint, of which due notice shall be given to the subscribers; and when convened, may proceed to elect nine directors, who shall be stockholders, and five of whom shall constitute a quorum to do business, to pass by-laws and organize the company, so as to carry out the purposes of this act.

Organization.

SEC. 21. *Be it enacted*, That said directors, or a majority of them, as soon as practicable after their election, shall proceed to lay down the route of said road in such manner as, in their discretion, will best subserve the public convenience, and the interests of the company.

SEC. 22. *Be it enacted*, That so soon as five miles of said road shall be completed, the said directors shall have the power to erect one toll gate; and for every additional five miles completed by said company, they may

Gates.

erect an additional gate ; *Provided*, that no gate shall be located nearer either terminus of said road than one mile.

**Rates of toll.** SEC. 23. *Be it enacted*, That said company are hereby authorized to charge and receive the same rates of toll as now charged and collected on the Gallatin and Nashville turnpike road.

SEC. 24. *Be it enacted*, That after the first election, the election of directors shall be made on the first Saturday in January of each and every year, each stockholder being entitled to one vote for every share of stock subscribed by him ; and it shall be the duty of the president and directors, by their secretary, to give twenty days' notice of the time and place of holding such election ; and the stockholders may vote by proxy, when it does not suit their convenience to attend said election in person.

**Style of road.** SEC. 25. *Be it enacted*, That said company shall grade their road twenty-four feet wide, and metal the same with broken stone or gravel eighteen feet wide, in a good substantial turnpike manner ; they shall provide the same with culverts, ditches and drains sufficient to carry off the water, and preserve the same in good traveling condition.

**Gates.** SEC. 26. *Be it enacted*, That whenever said company shall be ready to erect a gate, they shall procure the appointment of three disinterested commissioners by the county court of either of the counties through which said road runs, to examine the same, and report if it has been completed according to the requirements of this charter ; and if their report be favorable, then said company may open a gate and receive tolls as hereinafter provided ; and said commissioners shall be called upon to examine and report upon each successive section of five miles, as the same shall be completed, and if their reports be favorable, then other gates may be erected until said road shall be finished.

**Valuation.** SEC. 27. *Be it enacted*, That when any subscription in labor shall be discharged by the subscriber, a meeting of the directors shall be called to assess the value of said work, who shall proceed to examine the same and report its value ; which report, if they agree, shall be spread upon the records, and a certificate for that amount issued to the subscriber ; if they shall not agree, three disinterested persons shall be called in by said directors, to examine said work and assess its value, whose report, after a careful examination of the work, shall be final ; and terms spread upon the records, a cer-

tificate of stock shall be issued to the subscriber for the reported value.

SEC. 28. *Be it enacted*, That certificates of stock shall also be issued to cash subscribers, upon the payment of their subscriptions, and all certificates shall be transferable upon the books of the company, the same being attested by the secretary, or by assignment upon said certificate acknowledged in the presence of the secretary or any one of the directors, who shall attest the same, and the assignee or assignees of said stock so transferred shall be entitled to all the rights, privileges, and immunities, and subject to all the liabilities of the original members of the company.

SEC. 29. *Be it enacted*, That the elevation of said road shall not exceed five degrees and a half; that the company shall not be compelled to bridge Goose creek, and shall finish said road in six years from the passage of this act.

SEC. 30. *Be it enacted*, That if any person shall refuse or neglect to pay the tolls hereby authorized, but shall pass said gate without paying the same, the toll gatherer may lawfully refuse to such person a passage, and said toll gatherer may, by warrant from any justice of the peace, recover from such person so refusing, the sum of five dollars for each offence, for the use of the company; and if any person shall travel on said road, and come near to a toll gate, and then turn off the same and go around the gate, and return to said road beyond such gate for the purpose of avoiding the payment of toll, he shall be subject to the same liabilities as set forth in this section concerning persons passing such gate and refusing to pay his toll.

SEC. 31. *Be it further enacted*, That persons going to or returning from church or mill shall not be subjected to toll upon said road.

SEC. 32. *Be it further enacted*, That Thos. Edwards, John Patterson, R. B. McClain, John Jordon, A. G. McClain, Wm. G. Hight, Wm. Little, Ephraim Lytle and Sam. Winston, or any three of them be appointed commissioners to open books for the purpose of receiving subscriptions for the construction of a turnpike road from Fosterville to Middleton in Rutherford county, with the privilege of extending to Unionville or Rover in Bedford county, and when the sum of five thousand dollars is subscribed, in shares of twenty dollars each, the commissioners shall call a meeting of the stockholders at Middleton or Fosterville, giving ten days' notice of the same, for the purpose of electing seven of their

Fosterville and  
Middleton Tp.  
Company.

number as directors, one of whom shall be president. The president and directors are hereby declared a body politic and corporate, and may sue and be sued, plead and be impleaded, by the name and style of the Foster-ville and Middleton turnpike company, and shall have succession for a hundred years; so soon as five miles of the road are complete the company shall be entitled to one gate, and an additional gate for every five miles of road completed, which shall in no case be located within one mile of either terminus of the road; toll shall not be exacted from persons attending church, for the purpose of worship, or from persons conveying their produce to or from mill; in other respects the company shall be entitled to all the privileges and subject to all the restrictions extended to the Sumner and Macon turnpike company, as declared in this act so far as the same is consistent with the purpose in view, in this section.

Murfreesbor. &  
Wilkinson's X  
Roads Tp. Co.

SEC. 33. *Be it further enacted*, That Wm. H. Smith, Geo. W. Smith, Geo. House, Giles Harding, Alfred Blackman, Ben Batey and John Lytle, or any three of them, are hereby appointed commissioners to open books to receive subscriptions for the purpose of constructing a turnpike road, commencing at or near Murfreesboro', and extending to Wilkinson's X Roads, with the privilege of extending west to the line of Rutherford county; so soon as the sum of five thousand dollars is subscribed, the commissioners shall call a meeting of the stockholders, first giving ten days' notice of the same, for the purpose of electing five of their number directors, one of whom shall be president; the president and directors so elected are hereby declared a body politic, under the name and style of the Murfreesboro' and Wilkinson's X Roads Turnpike Company, and shall be entitled to all the rights, privileges and immunities, and subject to all the regulations extended by this act to the Foster-ville and Middleton turnpike company, so far as the same may be consistent with the purpose of this section.

Road from S.  
West Point to  
Carthage.

SEC. 34. *Be it further enacted*, That the second section of an act, passed January 30, 1852, entitled "an act to amend an act entitled an act to amend act to appoint suitable persons to open and keep in repair that part of the road leading from South-West Point to Carthage, which lies on Cumberland Mountain," passed 15th November, 1815, passed February 15th, 1836, be so amended that said corporation be authorized to erect an additional gate upon said road; *Provided* the same be erected on said road thirteen miles north of Crossville;

and, *Provided, further*, that said corporation shall construct and build a good and sufficient bridge upon said road across Obed's river; but nothing herein contained shall be so construed as to authorize said corporation to demand or receive any greater amount of toll than is heretofore allowed by law.

SEC. 35. *Be it further enacted*, That the charter granted to Joshua Parsons and others, to open and keep up a turnpike road from the mouth of Abraham's creek, in <sup>Joshua Parsons's</sup> son's road. Blount county, to the North Carolina line, on the top of the Smoky Mountain, be, and the same is hereby revived in the name of Benj. Johnston, of the county of Monroe, and he shall have all of the rights and privileges of the original corporators.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER COLXIII.

AN ACT to incorporate the McDaniel's Gap and Chattanooga Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. Crowder, jr., Alexander McDonald, John F. White, Philleman Bird and Wesley Connor, of the county of Hamilton, are hereby constituted a body politic and corporate, and as such, are authorized to open out, establish and keep in repair a turnpike road beginning at McDonald's Cross Roads near A. McDonald's, and thence with the old Missionary road as near as practicable, to Chattanooga.

SEC. 2. *Be it enacted*, That said road shall be opened out at least eighteen feet wide, clear of timber, and that at least twelve feet in the centre shall be cleared of stumps, rocks and all other obstructions to the passage of vehicles, when the ground on which said road is located will admit of its being done with reasonable exertions; and said proprietors shall erect bridges and crossways at such places as require them at least twelve feet wide.

**SEC. 3.** *Be it enacted,* That William Stone, Josiah Wilkins and John Vail, are hereby appointed commissioners to view said road; and when said Wm. Crowder, A. McDonald, John F. White, P. Bird and W. Connor shall give them notice that it is opened as required by this act, it shall be the duty of the commissioners to attend and view said road, and if they find that it is opened as prescribed by this act, then the said commissioners shall, and they are hereby authorized and required to issue a license under their hands and seals, to the proprietors of said road, to erect a toll gate at such point on the road as they may deem most suitable; *Provided*, said gate is not located within one mile of Chatanooga; and it shall be the duty of said commissioners to view said road at least once in every six months, and if at any time the commissioners shall find said road not in repair as contemplated by this act, it shall be the duty of said commissioners to open the gate of proprietors aforesaid, and keep it open until said road is in repair as contemplated by this act; and should the proprietors either directly or indirectly receive toll at said gate, while it is directed to be kept open by the commissioners, they shall forfeit and pay the sum of fifty dollars to be recovered by action of debt before any justice of the peace in this State in the name of any person suing for the same.

**SEC. 4.** *Be it enacted,* That the proprietors of said road shall be allowed to receive at their toll gate the following toll—to-wit: For every wagon and team of four horses, mules or oxen, one dollar; for every wagon and team of two horses, mules or oxen, fifty cents; for every carryall, fifty cents; for each pleasure carriage, fifty cents; for each cart drawn by horses, mules, or oxen, twenty-five cents; for each man and horse, ten cents; for each led horse, five cents; for each head of horses, mules or cattle in droves, three cents; for each head of hogs or sheep, one cent.

**SEC. 5.** *Be it enacted,* That the commissioners appointed by this act, shall, before they enter upon the duties of their appointment, take and subscribe the following oath, to wit: I do solemnly swear that I will well and truly perform the duties enjoined upon me by this act, to the best of my knowledge and ability, so help me God. And the said commissioners shall be entitled to receive for their services at the rate of one dollar per day each, for every necessary day's service rendered in performing the duties enjoined by this act, to be paid by the proprietors of said road, and if a vacan-

cy shall occur in said board of commissioners, either by death, removal, refusing to serve, or from any cause whatsoever, then it shall be the duty of the county court of Hamilton county to fill such vacancy in one month after it occurs.

**Sec. 6.** *Be it enacted,* That if any person or persons shall pass said gate arbitrarily or within one mile, for the purpose of evading the payment of toll at said gate, such persons shall forfeit and pay for every such offence, twenty dollars to the proprietors, to be recovered by action of debt before any justice of the peace in this State. Penalty for avoiding gate.

**Sec. 7.** *Be it enacted,* That the proprietors of the road aforesaid are empowered to agree and contract with any person or persons whosoever, for work done or labor rendered in the constructing of said road, to permit them to pass free of toll for a stipulated length of time, and that said proprietors are authorized to build a bridge or keep a ferry boat at Chickamunga creek, and when the waters are too high to be forded, they shall ferry all persons wishing to pass, or suffer them to pass on the bridge as the case may be, and that said proprietors shall be allowed to charge and receive the same toll, in addition, as allowed in the fourth section of this act; *Provided,* that no person or persons going or returning from either mills or church, be charged or subjected to pay toll. Bridge.

**Sec. 8.** *Be it enacted,* That this charter is granted unto the aforesaid William Crowder, Alexander McDonald, John F. White, Philleman Bird, and Wesley Conner, their heirs and assigns, for the term of thirty years after their toll gate is opened as contemplated by this act.

**Sec. 9.** *Be it enacted,* That the mill dams on Wolf river from its mouth up to McGhee's burnt mill, shall be sloped so as not to obstruct navigation down said river. Mill dams on Wolf river.

**Sec. 10.** *Be it enacted,* That the north-east and south-west Alabama railroad company, when formed under the act of the General Assembly of the State of Alabama, approved December 12th, 1853, entitled "an act to incorporate the north-east and south-west Alabama railroad company," or any railroad company in the State of Georgia with which the said company may connect, shall be allowed the privilege of making any necessary reconnoissance and survey, for the purpose of ascertaining the most eligible route for extending their railroad from the south boundary line of the State of North-east & south-west Ala Railroad.

Tennessee, to any point upon any of the railroads in the limits of the State of Tennessee, leading in the direction of Knoxville in said State.

**Right of way.** SEC. 11. *Be it enacted*, That as soon as said route and point shall be ascertained, the said north-east and south-west Alabama railroad company shall be allowed the right of way for the extension and construction of their said railroad from the south boundary line of the State of Tennessee, to any point upon any of the railroads in the State of Tennessee, leading in the direction of Knoxville in the said State; and that they shall be entitled to all the privileges, rights and immunities, and subject to all the restrictions, except such as are hereinafter mentioned, as are granted, made and prescribed for the benefit, government and direction of said north-east and south-west Alabama railroad company within the State of Alabama, by the act above described.

SEC. 12. *Be it enacted*, That so much of section seven of the said above described act, as is embraced in the following words, to-wit: "and that the corporation hereby created, shall have no power to discriminate in favor of its road, against such connecting roads, on freight and passengers," be, and the same is hereby declared and made inoperative and void in this State.

**Damages.** SEC. 13. *Be it enacted*, That the said north-east and south-west Alabama railroad company, for the purposes of depots, cuttings and embankments, and for the purpose of necessary turnouts and for obtaining stone and gravel, may take as much land as may be necessary for the construction and security of said road, and all damages that may be occasioned to any person or corporation by the taking of any such land or materials aforesaid, for the purpose aforesaid, shall be assessed and paid for by said company, in the manner provided in the act above described for assessing and paying damages for the right of way.

SEC. 14. *Be it enacted*, That said company shall be subject to the laws of this State in the same manner, and to the same extent, as other railroad companies are, so far as they are applicable to said company.

**Georgetown & Cleveland Tp Company.** SEC. 15. *Be it further enacted*, That M. A. Woods, Caswell Hutcherson, James Grigsby, Stephen Bird, A. A. Clingland, G. W. Parks, C. L. Hardwick, E. F. Johnson, C. B. Luttrell, he and they are hereby appointed commissioners to open books at any time and place they may choose, for the subscription of stock, to be used in the construction of a McAdamized or plank turnpike road, running from the town of Georgetown in Hamil-



ton county, with the old federal road so far as may be deemed the best and most practicable; then the most direct and nearest route to Cleaveland in Bradley county.

SEC. 16. *Be it enacted*, That the capital stock of said company shall be sufficient to construct said road, divided into shares of twenty dollars each.

SEC. 17. *Be it enacted*, That so soon as five thousand dollars of stock in said road shall be subscribed for in cash or labor, any three of said commissioners shall call a meeting of the stockholders of said company at the town of Cleaveland in the county of Bradley, by giving them ten days' notice of the time and place of meeting, and at such meeting the subscribers for stock in said road shall elect seven directors, one of whom shall be president, who shall hold their offices for two years and until their successors are elected. Organization.

SEC. 18. *Be it enacted*, That the president and directors may in such manner as they think best, solicit and procure additional subscription for stock, and shall either by themselves or some competent person appointed by them, mark, lay out and locate said road, commencing at Georgetown in Hamilton county; thence running as described in the fifteenth section of this act, to Cleaveland in Bradley county. Location.

SEC. 19. *Be it enacted*, That the president and directors shall have the power to let out and put under contract said road, in parcels great or small, as they may think best, to contract [for labor,] or for cash, or for stock in said company.

SEC. 20. *Be it enacted*, That said road shall be graded twenty-five feet wide, and within eight degrees of a level, covered with gravel or plank, twelve feet wide, leaving twelve feet for a summer road, with suitable ditches or drains on each side. Style of road.

SEC. 21. *Be it enacted*, That the said president and directors shall be, and they are hereby made a body politic and corporate; may sue and be sued, plead and be impleaded, by the name and style of the Georgetown and Cleaveland Plank Road or Turnpike Company, and shall have all the privileges, rights, powers and immunities given by law to the Ocoee turnpike plank road from Cleaveland, Bradley county, to the Copper mines in Polk county.

SEC. 22. *Be it enacted*, That said company may erect a gate, charge and receive tolls on said road so soon as they shall have completed five miles thereof, and may continue to erect gates and receive tolls for every addi- Gates and toll.

tional five miles, so fast as the same shall be completed; they may set their gates at any point so as not to be nearer than five miles of each other, and shall receive the same rate of tolls at each gate as is allowed to be received by the Ocoee turnpike and plank road.

SEC. 23. *Be it enacted*, That the president and directors of said company, shall elect three freeholders not interested in said road, directly or indirectly, who, after being duly sworn, shall examine and value such portion of said road as may be built by the labor of the stockholders or undertakers, and return the same to the president and directors of said company, who shall issue a certificate of stock to such stockholder or undertaker, for the amount of the valuation returned as aforesaid.

SEC. 24. *Be it enacted*, That the said company shall have corporate existence for thirty years, and have the term of five years to complete their road in. This act to take effect and be in force from and after its passage.

SEC. 25. *Be it enacted*, That the subscribers for the stock hereinafter mentioned, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Columbia, Vestal's Tan Yard and Santa Fe Turnpike Company, and by that name they may sue and be sued, plead and be impleaded, and shall have a common seal and succession for ninety-nine years.

SEC. 26. *Be it enacted*, That R. B. Mayes, N. R. Maguire, James G. Voorhies, E. C. Alexander, S. A. Timmons, Thos. Witherspoon, Jas. H. Gregory, Th. S. Rainey, or any five of them, be, and they are hereby appointed commissioners to open books to receive subscriptions for stock in said company, at such times and places as they may think best, either in cash subscriptions or in work; and all the above named persons, or so many of them as shall unite in making said road, or any person or persons not named who shall aid in its construction, or any five of them, shall be commissioners to locate said road from Columbia to Charles M. Partee's, on Knob creek in Maury county, by the way of Booker's ferry, on the most practicable route.

SEC. 27. *Be it enacted*, That Stephen Williams, Wm. Younger, Aaron Vestal, James Coughron, Aaron S. Godwin, or any five of them, be, and they are hereby appointed commissioners to receive stock in said company, at such times and places as they may think best, either in cash subscriptions or in work; and all the above named persons, or so many of them as shall unite in making said road, or any person or persons not named who shall aid in its construction, or any five of them,

Columbia, Vestal's Tan Yard and Santa Fe Tp. Company.

Commissioners

shall be commissioners to locate said road from C. M. Partee's, on Knob creek, to Santa Fe.

SEC. 28. *Be it enacted*, That J. M. Witherspoon, Hugh Brown, Ethelbert Kirby, John T. Vestal, James P. Adkins, and Seth Goodwin, or any five of them, shall be commissioners to open books to receive subscriptions for stock in said company, at such times and places as they may think best, either in cash subscriptions or in work; and all the above named persons, or so many of them as shall unite in making said road, or any person or persons not named who shall aid in its construction, or any five of them, shall be commissioners to locate said road from Charles M. Partee's, on Knob creek, to Vestal's Tan Yard, in Maury county.

SEC. 29. *Be it enacted*, That the capital stock of said company shall be sixty thousand dollars, or any less sum necessary to build said road, or the first section thereof, which shall be divided into shares of fifty dollars each, to be applied to the making of a turnpike road from Columbia to Santa Fe, Vestal's Tan Yard, or any intermediate point. Capital stock.

SEC. 30. *Be it enacted*, That when five thousand dollars shall be subscribed to either of the above named companies of commissioners, a meeting of the commissioners in said bounds, shall be held at such time and place as a majority shall designate, all being notified; and when assembled, they may proceed to elect five directors, pass by-laws, and fully organize and put under contract, the road in their respective bounds. Organization.

SEC. 31. *Be it enacted*, That the road shall be finished in all respects, in the same manner as provided for in the Columbia, Mooresville, Lewisburg and Cornersville turnpike company, except as hereinafter provided; and shall possess and enjoy all the rights and privileges granted to said road, and be subject to all the restrictions provided for in said charter, not conflicting with the provisions granted in this charter. Style of road.

SEC. 32. *Be it enacted*, That so much of the road between Charles M. Partee's and Santa Fe as is on the ridge, shall not be McAdamized, but merely graded and otherwise completed as this charter requires, except being paved with gravel or broken stone.

SEC. 33. *Be it enacted*, That whenever this road is completed to C. M. Partee's from Columbia, the company may erect two gates; one within not less than one mile of the town of Columbia, and the other within not less than one mile of Charles M. Partee's; and whenever said company shall finish said road to Santa Fe or Gates.

to Vestal's Tan Yard, or to both of these places, it shall be lawful for the company to erect one gate not within less than one mile of Santa Fe, and one gate not within less than one mile of Vestal's Tan Yard.

Long Hollow  
Tp. Company. SEC. 34. *Be it further enacted*, That the Long Hollow turnpike company be and they are hereby authorized to extend their turnpike road from Sharkle Island up Drake's creek in the direction of Fountain Head in Sumner county, and they shall have the privilege of putting one gate upon every five miles of the road thus extended.

Oakland turn-  
pike. SEC. 35. *Be it further enacted*, That Thomas Bean, Harvy Wood, Moses Grinestaff, Christopher Eakle, Christopher Clemons, Carroll Cherry, Benjamin C. White, Louis Crawford, George Jenkins, Hiram Crabtree, and others, be and they are hereby incorporated a body politic and corporate, to open books and receive stock for the purpose of the construction of the Oakland turnpike from Red Sulphur Springs, Macon county, to the Jennings and Line Creek turnpike road in a direction towards Tompkinsville, Kentucky, so as to tap said road in Tennessee, and they shall have all the privileges, and be subject to the same rules, regulations and restrictions as the Alexandria and Red Sulphur Spring turnpike road.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed March 3, 1854.

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## CHAPTER CCLXIV.

AN ACT to authorize Hiram Philipps to build a bridge across Conasauga river, in Polk county, and to charge toll.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Hiram Philipps, of the county of Polk, be, and he is hereby authorized to construct and build a bridge across the Conasauga river, in the county of Polk, at or near where the Georgia stock road crosses said river, being the place where said Phi-

lipps now resides, and known as Kennedy's old stand.

**Sec. 2.** *Be it enacted*, That said bridge shall be substantially constructed above high water mark, and so as to be safe for crossing stock or heavy loaded wagons.

**Sec. 3.** *Be it enacted*, That said Philipps is hereby authorized, so soon as said bridge is completed, to erect a gate at a suitable distance from said bridge, and collect tolls for crossing said bridge; which tolls are not to exceed the rates of ferriage now authorized by law to be charged on the Hiwassee river during a stage of low water; *Provided*, always, that no citizen of Polk county shall be subject to the payment of toll except during high water.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CCLXV.

AN ACT to authorize the construction of a Levee South of Horn Lake on the Mississippi.

*Whereas*, The Legislature of the State of Mississippi, by an act approved March 4, 1848, entitled an act to provide for leveeing the Mississippi river in the county of Tunica, provided also for the protection of that portion of the county of Desoto, in said State, lying in the Mississippi bottom, subject to overflow from said river, by the construction of a levee from the commencement of the overflow on the south side of Horn Lake, near the northern boundary of said State, and running down said Lake and the bayou to the Mississippi river, or as near as the security of said levee will justify; and authorized the levee commissioners appointed under said act to construct said levee, according to the terms thereof; *and whereas*, in order to construct said levee to the greatest advantage, it will be necessary to run the same through that portion of sections 13, 14 and 15, in township 1, of range 10, west, which lies in the State of Tennessee on the south side of Horn Lake

Bayou; and whereas, the levee commissioners of the said county of Desoto, and the owners of the said portion of the said sections 13, 14 and 15, have presented their petition to this Legislature, praying for the passage of an act to authorize said levee commissioners of the said county of Desoto to construct said levee through that portion of the State of Tennessee lying on the south side of the said Horn Lake and Bayou, and to protect the same when constructed; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the levee commissioners of the said county of Desoto, now acting as such, and their successors in office, be and are hereby authorized to construct and keep up a levee as aforesaid, through that portion of the State of Tennessee lying south of Horn Lake and the Bayou, similar in all respects to the levee provided for by the said act of the State of Mississippi.

SEC. 2. *Be it enacted*, That if any person shall wilfully and maliciously destroy or in any manner hurt or damage the said levee, such person or person so offending shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine of not less than twenty dollars, and shall be further liable to pay all the expenses of repairing the same; and should said levee be destroyed, or in any manner damaged by any slave, he shall receive thirty-nine lashes, and if he or she act with the consent or approbation of his or her owner, the said owner shall pay any damage that may result, or forfeit to the company his said slave.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 2, 1854.

## CHAPTER CCLXVI.

AN ACT more effectually to preserve the public arms of this State from destruction.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor, being commander in chief of the army and Navy of the State of Tennessee, shall have the custody of the public arms. He is hereby authorized and empowered to order that any of the convicts in the penitentiary, or employ any other person at his discretion, to clean and keep in good serviceable order, all the public arms of this State, and he is further authorized to draw upon the treasurer for any amount not exceeding five hundred dollars per year for that purpose.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CCLXVII.

AN ACT directing money to be paid out of the Public Treasury to W. F. Bang & Co.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of the State pay out of the Treasury, the sum of two hundred and sixty dollars to W. F. Bang & Co., for printing the alterations and corrections in the fourth, fifth, sixth, seventh and eighth volumes of Humphreys' Reports.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CCLXVIII.

AN ACT to incorporate the Union Wharf Company, in the town of Clarksville, in the county of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, whereas, Montgomery Wharf Company, in the town of Clarksville, incorporated by an act passed February 5th, 1842, and the Franklin Wharf Company in the said town, incorporated by an act passed the 15th January, 1844, and the Middle Wharf Company in said town, acting without a charter of incorporation, but being composed of the individuals owning the said Middle wharf, namely: C. H. Smith, George A. Harrel, and Saml. B. Seat, have by a contract agreed to consolidate and unite their three respective wharfs and companies into one wharf and company, and desire to have one common charter for the whole, and to have one common directory and officers for the whole, and to share the dividends in proportion to their respective stocks, the said act passed February 5th, 1842, incorporating the Montgomery wharf company, and the said act, passed January 15th, 1844, incorporating the Franklin wharf company, are hereby repealed; and George S. H. Warfield, Joshua Elder, Starkey Norfleet and others, who own the stock in said Montgomery Wharf, and Robert Bryson, Alfred Robb and others, who own the stock in the said Franklin wharf, and C. H. Smith, George A. Harrel, and Samuel B. Seat, who own the stock in the said Middle wharf, are hereby incorporated under the name and style of the Union Wharf Company, with perpetual succession; and by their said incorporate name may sue and be sued in any court of law or equity in this State; may have a common seal. The capital stock of which company shall be twenty thousand dollars, which may be increased to fifty thousand dollars; and the shares in said stock shall be fifty dollars each.

SEC. 2. *Be it further enacted*, That the said named S. S. Norfleet, C. H. Smith and George H. Warfield, are hereby constituted a board of directors, of which directors George H. Warfield is president, and Thos. McCulloch is constituted secretary and treasurer, for said Union Wharf Company to hold their office until the first Wednesday in May, 1854; at which time the stockholders in said company shall elect three directors as their successors, and a secretary and treasurer, and also a collector of wharfages and dues to the company; which



said officers shall hold their respective offices for one year thereafter and until their successors are elected and qualified; and the elections of said officers shall annually thereafter be held on the first Wednesday in May in each and every year; and in the event that the election is not held on said day, then it shall be the duty of the secretary to give public notice for ten days, that an election will be held at a given time and place to elect said officers; which officers, when qualified, shall hold their offices until the expiration of the regular term; and in case there be no such notice given by the secretary, then any three stockholders shall give the said notice, and the officers elected under such notice shall be the officers of said company until the expiration of the regular term; and any vacancy occurring during any year, by death, resignation, or otherwise, in any of the offices, may be filled by the directors then in office, until the next regular election, and the officers elected by either mode pointed out in this act, shall be the successors, and shall succeed to all the powers of those appointed in this act. The place of election shall be designated by the directors in a by-law ordained by them, which they may change at pleasure. In all elections, and where a vote of stockholders is required, each share shall entitle the owner thereof to one vote, which vote may be given in person or by proxy.

**Sec. 3. *Be it enacted,*** That said company shall have, and may exercise control of the grounds now occupied by the said three wharves, and may extend them up or down the Cumberland river so far as they may desire to extend the same; *Provided*, that they first obtain from the mayor and aldermen of Clarksville, and the riparian owners of such land as they may desire to occupy, their consent to such extension; and the directors so appointed or elected and their successors in office, shall have power to enact all such laws, rules and regulations as they may deem necessary to carry out the objects and provisions of this charter, and the interests of the said company; *provided*, the same be not inconsistent with the laws of this State or of the United States; and such by-laws rules and regulations, they may repeal or alter at pleasure.

**Sec. 4. *Be it further enacted,*** That the aforesaid Union Wharf Company may have and receive, and shall have the power to collect by suit or otherwise, wharfage from all boats, water crafts of every description, including rafts of every description, that may land, or discharge or receive freight at their wharf at such rates as the di-

rectors, by their by-laws, may ordain; *Provided*, that in no case, they shall charge a higher rate of wharfage than is charged by the principal wharf in the city of Nashville; and the said directory appointed or elected as aforesaid, may make by-laws imposing fines and penalties for obstructing or damaging their said wharf, or for molesting them in the full enjoyment and use thereof; which may be recovered by said company before the mayor of the city of Clarksville, or before any tribunal having cognizance thereof.

SEC. 5. *Be it further enacted*, That the secretary hereinbefore appointed, shall issue to each stockholder a certificate of stock for each share, or fractional part thereof, owned by such stockholder, and attach thereto the seal of the company; and such certificates shall be signed by the president and countersigned by the secretary in their official capacity; and the stock in this company shall be transferable only on the books of the company; and the various duties of the respective officers shall be prescribed in the by-laws of said company. And the said company shall have power to demand and take from any officer of the company, a bond conditioned for the full and faithful discharge of his duty.

WM H. WISENER,  
*Speaker of the House of Representatives,*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 13, 1853.

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## CHAPTER CCLXIX.

AN ACT to incorporate the Tennessee Association of Steamboat Owners and Captains, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Calvin Cabler, A. L. Davis, James Davis, Jack Davis, C. S. Peterson, Bailey Johnson, Jesse Johnson, Thomas Bellsnyder, R. S. Northern, Thomas H. Newell, James Miller, Andrew Hamilton, C. B. Church, J. W. Goslee, A. Greenlaw, and their successors, be hereby constituted a body politic and corporate, by the name of the Tennessee Association of Steamboat Owners and Captains, for the purpose of improving steamboating and steam navigation; that a

majority of members of the said association may elect a president, secretary, treasurer and a board of control; and may adopt a constitution and by-laws for the government of the association; that they are hereby empowered to alter or amend the same at pleasure, and do all acts necessary for effectually carrying into operation the purpose of the association; that its succession continue for the term of twenty years; that it may sue and be sued, plead and be impleaded; have a common seal, and alter or amend the same at the discretion of a majority of the association; that it may purchase and hold, mortgage, possess and transfer real or personal estates, and enjoy all privileges incident to corporations.

**SEC. 2. *Be it enacted,*** That the management of said corporation be regulated by the president, secretary, treasurer and board of control, who shall be elected at the first meeting of the association, and shall hold office for one year or until their successors be elected.

**SEC. 3. *Be it further enacted,*** That a Branch Association be established in the city of Memphis with the like privileges under this act.

**SEC. 4. *Be it further enacted,*** That the act passed on the 21st day of February, 1852, entitled "an act to incorporate the Edgefield Broom and Bucket Manufacturing Company" be so amended that the powers of said company may be extended to the manufacturing of materials for coaches and carriages, the manufacturing of corn-meal and flour, the planeing and preparation of lumber for building, and also all kinds of turning; and that the capital stock of said company may be increased, if necessary, to fifty thousand dollars.

**SEC. 5. *Be it further enacted,*** That Joseph Harlan, Y. A. Douglass, Richard Allen, Joseph Miller, Samuel Dye, John Henry, Noel Winston, Daniel Donaldson, Albert Franklin, George Terry, and others, who are now, or may become subscribers to the Agricultural and Mechanical Association of Sumner county, be, and are hereby incorporated a body politic and corporate, and have succession for ninety-nine years; with power to buy, sell and hold real estate and other property; to make and execute conveyances; to have a common seal, and alter, change or destroy the same at pleasure; and to have all powers incident to such bodies, and consistent with the constitution and laws of the State; and be known by the name of the Sumner Agricultural and Mechanical Association.

**SEC. 6. *Be it enacted,*** That the subscribers to said Association, or as many as may be present in person or

Edgefield  
Broom & Buck-  
et Man'fact'ry.

Sumner Agri-  
cultural & Me-  
chanical Asso-  
ciation.

by proxy, ten days' notice being given at the court-house door in the town of Gallatin, of the time and place, shall, on the first Saturday in June, elect a president, vice president, secretary, treasurer, and ten directors, annually. Said directors, when elected, shall proceed to adopt such constitution and by-laws for the government and direction of the affairs of said association, as may be necessary and proper to carry out the objects of said association.

**SEC. 7.** *Be it further enacted,* That Simon H. Walker, R. R. Ridley, John Hope, Henry Moseley, Wm. Hope, Somerville Me- Wm. E. Clayton, — Erickson, Wm. W. Greenway, chanics' Asso- and James T. Tones, their associates and successors, be, ciation. and the same are hereby constituted a body politic and corporate, by the name and style of the "Sommerville Mechanics' Association," for the purposes of mutual improvement in the mechanic arts, and the general advancement in the arts and sciences and general literature, and for promoting and propagating the same.

**SEC. 8.** *Be it enacted,* That said society shall have the right, and be capable in law or otherwise, to sue and be sued, plead and be impleaded in all the courts of law and equity; have a common seal; alter and destroy the same at will; may make contracts; hold, dispose of and convey, by purchase or otherwise, any real or personal property, not to exceed ten thousand dollars; have perpetual succession of its members; and in general to do and transact all and every the business for which it was created, in the same manner of other corporations of like character.

**SEC. 9.** *Be it enacted,* That said society shall have power to adopt such constitution and by-laws as they may deem proper and necessary for its government, and in order to effect the purposes and objects for which it is formed, not inconsistent with the constitution and laws of this State or the United States.

**SEC. 10.** *Be it further enacted,* That for the advancement of the science of steam, the following engineers, to-wit: John B. York, Townsend Doughty, John Armstrong, Joseph Woolf, Sam'l M. Harrison, Wm. Brown, John Hathaway and their associates, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Steamboat Engineers' Association, with the following powers: To sue and be sued; to plead and be impleaded; to own an amount of real estate that may be necessary for the objects of the association; to build and own steamboats and steamboat stock; to own a library and have a common seal.

Steamboat En-  
gineers' Asso-  
ciation.

**SEC. 11.** *Be it enacted*, That a majority of said association may elect a president, secretary, treasurer and board of directors, whose term of office shall be one year, and adopt a constitution and by-laws for the government of the association; and may alter and amend the same at pleasure, and do all acts necessary to carry out the objects of this association; and that the succession of said association shall continue for thirty years.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CCLXX.

AN ACT to incorporate the Mississippi River Levee Company, and the Forked Deer and Obion Levee Company.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That the formation of a company is hereby authorized for the purpose of levying the eastern bank of the Mississippi river, from some point in Kentucky below the town of Hickman, to the mouth of the Obion river, which when formed shall be a body corporate, by the name and style of the Mississippi River Levee Company, and by such name, may take, hold and convey real and personal property, contract and be contracted with, sue and be sued, and shall have perpetual succession.

**SEC. 2.** *Be it enacted*, That James Fields, Isaac Sampson, Joseph Mitchell, James F. Doherty, W. H. Caldwell, S. W. Cochran, Edward Nevil, and Sam Warner, are hereby appointed commissioners for the purpose of Commissioners organizing the said company, who, until its organization, may exercise all the powers by this act conferred upon the board of directors, except that the commissioners shall not commence the work of leveeing the river, nor let out any contracts therefor; the commissioners may meet at Dyersburg on the first Saturday in April next, or (if they fail to meet at that time) at such other time and place, as a majority of them may deem advisable, and a majority of them being present in per-

son or by proxy, may select a president and such other officers and agents as they may think proper, and may pay them proper salaries, and at the first or any subsequent meeting they may select any number of their own body and confer upon them, under such rules, regulations and restrictions as they may prescribe, any or all of the powers by this act conferred upon themselves, unless such delegation of authority is made, and until the same is made, a majority of said commissioners present, in person or by proxy, shall be necessary to do business; *Provided*, if any of said commissioners should die, resign to the board, or remain out of the State, the board or the remaining commissioners may fill such vacancies.

**Organization.** SEC. 3. *Be it enacted*, That when fifty thousand dollars of stock or donations shall have been obtained by the commissioners or their agents, the company shall be regarded as formed, and the commissioners shall call a meeting of the stockholders who shall proceed to elect a board of five directors. In electing the directors, each stockholder shall have one vote for every share he may own; and the stockholders may vote in person or by proxy.

**Quorum.** SEC. 4. *Be it enacted*, That the board of directors may elect a president, and such other officers and agents as they may deem necessary; and they shall have full power and authority to commence and prosecute the work of leveeing the east bank of the Mississippi river, within the limits aforesaid, and to do all things necessary and proper to be done to attain that end, not inconsistent with the constitution and laws of this State. A majority of the board of directors shall constitute a quorum to do business.

SEC. 5. *Be it enacted*, That the said commissioners or directors, may receive subscriptions of stock in shares of fifty dollars each, and may take the subscriptions in money or land, and upon such terms and conditions as may be agreed upon. They may also receive donations of money or land, or other effects, upon such terms and conditions, and subject to such limitations and trusts as may be annexed to such gifts. The said commissioners or directors may also purchase and hold lands or other property; and they shall have power to contract with the owners of land which it is supposed will be reclaimed or benefited by their levee, for the purpose of making and collecting assessments upon such lands, in such manner and to such an extent, and under such rules and regulations as may be agreed upon by the parties;

which contracts, reduced to writing and registered in the county where the land lies, shall be binding upon the company and upon the lands, and shall be sufficient to confer upon the company such power and authority as may be stipulated and expressed in such contracts; and the company shall have power at any time to release such contracts.

**SEC. 6.** *Be it enacted,* That the board of directors, when elected, shall hold their offices for one year, and until their successors are elected.

**SEC. 7.** *Be it enacted,* That the commissioners or directors may make such rules and by-laws for their own government and that of their officers and agents as they may deem proper, and they may require such bonds to be given by their officers and agents as they may deem proper, payable to themselves. By laws.

**SEC. 8.** *Be it enacted,* That the provisions of the 35th and 36th sections of an act passed on the 28th January, 1848, entitled an act to incorporate the Mobile and Ohio railroad company, and the Tennessee Central railroad company, be and they are hereby re-enacted, and declared to be parts of this act so far as they are applicable, and the right of way hereby intended to be secured to said levee company shall be two hundred feet wide, or any less width which said company may desire. Right of way & damages.

**SEC. 9.** *Be it enacted,* That any person who shall willfully injure the works or embankment of said company or any such company in this State, shall be subject to indictment or presentment as in other cases of misdemeanor. Penalty for injuring.

**SEC. 10.** *Be it enacted,* That for the purpose of constructing their works, the said company shall have power to borrow money and to execute their bonds and mortgage or other lien upon their property to secure the same, and they may also execute such bonds and liens in payment of property which they may purchase.

**SEC. 11.** *Be it enacted,* That when the work shall have been completed in whole or in part, the said company shall be the owners thereof, and shall have power, by new subscriptions or donations, or by the use of former subscriptions and donations, or by the means pointed out in the 5th section, to raise a fund to keep the levee in repair, and they shall have power to loan said fund or any money they may at any time have on hand upon such security as they may deem proper.

**SEC. 12.** *Be it enacted,* That the stock in said company may be transferred in such manner as the directors by their by-laws may provide, and the stock and other

property of the company shall not be subject to taxation.

Forked Deer  
& Obion Levee  
Company.

SEC. 13. *Be it enacted*, That the formation of a company is hereby authorized to levee one or both banks of the Obion river and Forked Deer river, through Dyer county, or as much thereof as the company may see proper, which when formed shall be a body corporate, under the name and style of the Forked Deer and Obion Levee Company, of which company James Hart, Z. B. Philips, Samuel McDaniel, Amos Randle, P. M. Tipton, B. King and Robert Wilkins, shall be the first commissioners, and all the provisions of this act with respect to the Mississippi River Levee Company, shall in all respects be applicable to this company, except that this company may organize when ten thousand dollars shall have been obtained in subscriptions or donation, and this company shall have all the rights, powers and privileges conferred upon the Mississippi river levee company, and shall be governed by the same rules and regulations in all respects.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER CCLXXI.

AN ACT to charter the Franklin Manufacturing Company in the county of Williamson, and the Hope Manufacturing Company, in the county of Lawrence, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body corporate and politic by the name and style of the "Franklin Manufacturing Company," for the purpose of manufacturing goods and articles from cotton, wool and other textile materials, and for constructing engines, locomotives, machinery and implements, is hereby constituted and established, to continue and have succession for the term of ninety-nine years; to make and use a common seal, the same to alter at pleasure; to make such by-laws not inconsistent with the laws of the State or of the United



States, as it may deem useful or necessary for its government; to sue and be sued, to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same, any real and personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it in whole or in part; *Provided*, the cost of such real estate, at any time so held, shall not exceed the maximum amount of its capital stock hereinafter provided for.

**SEC. 2.** *Be it enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, which shall be considered in law as personal property; shall consist of not less than two hundred and fifty, nor more than twenty-five hundred shares; shall be transferable only on the books of the company, and then only with the consent of the board of directors or a majority of them in session, unless the whole amount of said stock shall have been previously paid up in full, nor whilst the transferring stockholder shall, in any wise, be indebted to the company. The company shall have power to declare forfeited to it any shares of stock which may remain unpaid in whole or in part, or it may sue for and recover such unpaid instalment before any court or other tribunal having jurisdiction over such sums; *Provided*, such forfeiture shall not be valid unless made after thirty days' notice of such call shall have been made in some newspaper published in the town of Franklin. The said company may, at its pleasure, and in such manner as the directors may elect, increase its capital to any sum deemed advisable between the minimum and the maximum amount heretofore provided for. Capital stock.

**SEC. 3.** *Be it enacted*, That all stockholders not having paid in the calls which shall have been made on their stock, shall be individually liable to the creditors of the company to the amount so remaining unpaid, and in like manner shall the directors be individually bound for any amount they may declare and authorize to be paid to the stockholders as dividends, when, at the time of so declaring and paying out, the company shall be unable to pay all debts due by it. To avoid such responsibility on his part, the dissenting director shall enter or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record or cause to be recorded, his dissent thereto within the space of thirty days after such dividend shall have been authorized. Calls on stock.

**Sec. 4. *Be it enacted,*** That James H. Wilson, Frank Hardeman, John S. Claybrook, T. F. Perkins, T. F. Atkinson, John D. Bennett, Dr. Samuel Henderson, John B. McEwin, James Plunket, Dr. A. B. Ewing, John McGavock, C. A. Merrill, Dr. B. M. Hughes, William Parks, William P. Cannon, John Marshal, Dr. E. Thompson, R. C. Foster and John W. Miller, are hereby appointed commissioners, who, or any three or more of them may, after having given ten days' notice of the time and place, or times and places for so doing, open books for subscription to the capital stock of said company, and may keep such books open for subscription until the number of two hundred and fifty shares or a greater number, as they may decide, (not exceeding the maximum number provided for,) shall have been taken. So soon as the number of shares agreed on by the acting commissioners, shall have been subscribed for, they shall give not less than ten days' notice, and the stockholders may proceed to elect from their own body a board of directors; each share entitling its owner to one vote in all elections by the stockholders, who may vote by proxy, or in person, for the said board of directors, or on any question submitted to a meeting of them. The said board of directors shall consist of seven, one of whom shall be elected president, and he and the other members of the board shall hold their place for the term of one year or until their successors shall have been elected; *Provided*, a failure so to elect, shall, in no wise, cause a forfeiture of this charter; and, also, *Provided*, that no stockholder shall be entitled to vote who may be in arrears of calls previously made on stock owned by him. The said president and board of directors shall elect, appoint or employ all other officers, agents, managers, &c., necessary for conducting the affairs of said corporation, and fix their salaries, and do on behalf of the company, all such other acts as are incident to such bodies; the said directory causing to be kept regular minutes of their proceedings, which shall be open to the inspection of any shareholder desiring to inspect the same.

**Sec. 5. *Be it further enacted,*** That William Parks, I. S. Gentry, William Rucker, Joseph L. Campbell and Thomas Parks and their associates, be, and they are hereby created a body politic and corporate, to be known by the name and style of the Hope Factory Company, to be situated in the county of Lawrence in this State, for the purpose of manufacturing cotton, wool and cotton machinery of all kinds, or cotton and woolen goods, or

either of them separately; and that said company is empowered to have and use a common seal, to change the same at pleasure; to make such by-laws and regulations, not inconsistent with the constitution and laws of this State or of the United States, as may be necessary or useful; to contract and be contracted with; to sue and be sued; to have succession, and hold by purchase or otherwise, any real or personal property, and to dispose of the same, that may be necessary or convenient for carrying out its operations, or which may be acquired for debts due to it in whole or in part.

SEC. 6. *Be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, which may be increased to one hundred thousand dollars whenever deemed necessary by the stockholders, and which shall be divided into shares of one hundred dollars each. Said stock shall be transferable on the books of the company, only, and then not without the consent of the board of directors unless the whole amount of instalments due thereon, shall have been previously paid. Capital stock.

SEC. 7. *Be it enacted*, That the board of directors of said company, for the time being, or a majority of them, shall have power to call for and require of the stockholders, respectively, all sums of money by them subscribed, at such time and in such proportions, and at such places as they (the directors) may see fit, under penalty of the forfeiture of the share or shares of such delinquent stockholders, and of the payment previously made thereon; thirty days' notice being given to said delinquent stockholder, in writing, if residing in the county of Lawrence; and if out of said county, said notice shall be published in a newspaper to be selected by the board of directors, of such calls. Powers of board.

SEC. 8. *Be it enacted*, That William Parks, Joseph S. Campbell, J. S. Gentry, William Rucker and Thomas Parks, or either one of them, are hereby appointed to open books of subscription to the capital stock of said company, giving at least ten days' notice of the time and place, at two or more public places in the county of Lawrence; and whenever the number of two hundred and fifty shares shall have been subscribed, shall, after due notice given to each stockholder, proceed to elect five directors, who, with a president elected by them for their body, shall manage the affairs of said company, and hold their office for one year and until their successors are chosen. The election of said directors shall be annual, and each stockholder shall have one vote, which may be given by proxy for every share he may hold; Election of directors.

*Provided*, the privileges herein granted shall not continue longer than ninety-nine years.

SEC. 9. *Be it enacted*, That this act shall take effect from and after its passage.

Nashville Leather Manufacturing Company. SEC. 10. *Be it enacted*, That M. Burns, E. H. Ewing, Isaac Paul, John Morrow, H. P. Bostick, F. O. Hurt, J. M. Seabury, J. B. Johnson, J. D. March, and Ray S. Orton, or any three of them, to constitute a board, and their successors, heirs and assigns, be, and they are hereby incorporated and made a body politic for the term of ninety-nine years, by the name and style of the Nashville Leather Manufacturing Company, with full power and authority by that name and style to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, or any State in the United States, and to have and use a common seal for the aforesaid purposes.

Capital stock. SEC. 11. *Be it enacted*, That the capital stock of said company may be thirty thousand dollars, divided into shares of twenty-five dollars each; and whenever one hundred shares of stock is subscribed, the company may organize and commence operations; and the capital stock may be increased from time to time, in such manner as the board of directors may prescribe, until the whole shall amount to thirty thousand dollars.

Directors. SEC. 12. *Be it enacted*, That three directors shall be chosen at the time that the business of said company shall be commenced, and annually thereafter on the first day of January there shall be three individuals chosen as directors out of the stockholders, and these three directors to elect the president and secretary outside of the board if they think proper; and the said president and directors to hold their offices one year and until others are chosen to fill their places; and that said directors to be chosen by the stockholders, each share to be entitled to one vote.

SEC. 13. *Be it enacted*, That the president and directors shall have power to make any by-laws for the regulation and government of their business, not inconsistent with the laws of this State or of the United States.

SEC. 14. *Be it enacted*, That the stock of said company shall be assignable and transferable, but no sale or transfer shall be valid until it be entered on the books or register to be kept by the secretary for that purpose.

SEC. 15. *Be it enacted*, That the company aforesaid, shall have power to purchase and hold, to sell and convey in exchange, all such property, real or personal, as may be necessary, convenient or useful in carrying

on the business of manufacturing of all kinds of leather.

SEC. 16. *Be it enacted*, That the said company may also take, receive and hold such other property, real or personal, as they may find it necessary or convenient to take as security of any debts which in the course of their business may be due to them.

SEC. 17. *Be it enacted*, That Samuel Watson, Thomas J. Munford, G. A. Henry, Wm. M. Stuart, Jno. G. McKain, Bryce Stewart, Jno. Stacker, W. O. McReynolds, & Co. at Clarks-  
 or any three of them, are authorized to open books of subscription for stock to a manufactory for cotton yarns and cotton and woolen goods, in or near the town of Clarks-ville.  
 and that the subscribers of stock are hereby created a body politic and corporate, by such name as the stockholders and directors may agree upon.

SEC. 18. *Be it enacted*. That the capital stock of said company shall be fifty thousand dollars, with power to the company to increase it to one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each.

SEC. 19. *Be it enacted*, That the affairs of said company shall be managed by five directors, to be elected annually by the stockholders, who shall be entitled to one vote for every share of stock by them respectively owned.

SEC. 20. *Be it enacted*, That the said company shall have the same rights, powers and privileges, and shall be subject to the same rules, regulations and restrictions prescribed in regard to the Sumner spinning and manufacturing company, by an act passed 17th January, 1847, entitled "an act to incorporate the Richland manufacturing company," and a company to be called the "Sumner spinning and manufacturing company, and for other purposes."

SEC. 21. *Be it enacted*, That a body corporate and politic, by the name and style of the Phoenix Manufacturing Company, for the purpose of manufacturing goods and articles from cotton, wool and other textile materials at McMinnville in the county of Warren, is hereby constituted and established, to continue and have succession for the term of ninety-nine years; to make and use a common seal, the same to alter at pleasure, to make such by-laws not inconsistent with the laws of the State or of the United States, as it may deem useful or necessary for its government; to sue and to be sued: to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same, any real and personal property which may be useful or necessary for

carrying on its operations, or which it may become possessed of, in payment of debts due to it in whole or in part; *Provided*, the cost of such real estate at any one time so held, shall not exceed the maximum amount of its capital stock hereinafter provided for.

**Capital stock.** SEC. 22. *Be it enacted*, That the capital stock of said company shall consist of one hundred thousand dollars, which may be increased to any sum not exceeding two hundred thousand dollars to be divided into shares of one hundred dollars each; said shares of stock are to be considered in law as personal property; shall be transferable only on the books of the company, and then only with the consent of the board of directors or a majority of them in session, unless the whole amount of such stock shall have been previously paid up in full, nor whilst the transferring stockholder shall in anywise be indebted to the company. The company shall have power to declare forfeited to it, any share of stock which may remain unpaid in whole or in part, or it may sue for and recover such unpaid instalments before any court or other tribunal having jurisdiction over such sums; *Provided*, such forfeiture shall not be valid unless made after thirty days' notice of such call shall have been made in some newspaper printed in the town of McMinnville. The said company may, at its pleasure, and in such manner as the directory may elect, increase its capital to any sum deemed advisable between the sum of sixty thousand dollars, and the maximum amount hereinbefore provided for.

**Calls on stock.** SEC. 23. *Be it enacted*, That all stockholders not having paid in the calls which shall have been made on their stock, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be individually bound for any amount they may declare and authorize to be paid to the stockholders as dividends, when at the time of so declaring and paying out, the company shall be unable to pay all debts due by it. To avoid such responsibility on his part, the dissenting director shall enter or cause to be entered on the minutes of the board, his dissent thereto, or if not present when the act is done, he shall so record or cause to be recorded his dissent thereto within the space of thirty days after such dividends shall have been authorized.

**Commissioners** SEC. 24. *Be it enacted*, That Gen. Wm. C. Smartt, J. Hopkins French, Joseph A. Richardson, Edmund Pendleton, George M. Smartt, Lorenzo D. Mercer, H. H. Harrison, J. C. Bowdon and Robert B. Cain, be and

they are hereby appointed commissioners who, or any three or more of them, shall keep the books open, which have been opened for subscription to the capital stock of said company, until the amount of sixty thousand dollars or a greater amount as they may decide (not exceeding the maximum amount hereinbefore provided for) shall have been subscribed. So soon as the amount agreed on by the acting commissioners shall have been subscribed for, they shall give not less than ten days' notice, and the stockholders may proceed to elect from their own body a board of directors, each share entitling the owner to one vote in all elections by the stockholders, who may vote by proxy or in person for the said board of directors, or on any question submitted to a meeting of the stockholders. The said board of directors shall consist of three, one of whom shall be elected president, and he and the other members of the board may hold their places for the term of one year or until their successors shall have been elected; *Provided*, a failure so to elect shall in no wise cause a forfeiture of this charter; *And also provided*, that no stockholder shall be entitled to vote (except at the first election of directors) who may be in arrears of calls previously made on stock owned by him. The said president and board of directors shall elect, appoint or employ all other officers, agents, managers, servants, &c., necessary for the purpose of conducting the affairs of such corporation, and affix their salaries, and do, on behalf of the company, all other acts as are incident to such bodies. The said directors causing to be kept regular minutes of their proceedings, which shall be open to the inspection of any shareholder desiring to inspect the same.

Sec. 25. *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 23, 1854.

## CHAPTER CCLXXII.

AN ACT to revive and amend an act passed January 30, 1846, ~~entitled~~  
 "an act to charter the Sevier Turnpike Road," to charter the ~~Marshall~~  
 Central Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an "act to charter the Sevier turnpike road," passed January 30, 1846, be, and the same is hereby revived and so amended, that to the company named in said act there be added the following persons, to-wit: Wm. McCowen, James Catlett, John Cannon, Richard D. Lanning, and Lemuel Dugan, of Sevier county, Caleb Baker, Jeremiah Johnson, Columbus Jones, Samuel Anderson, and Joseph Burnett, of Knox county; and the company shall have three years after the passage of this act to commence said turnpike road, and six years to complete it.

SEC. 2. *Be it enacted*, That the company shall have power to run or locate said turnpike road upon the best  
 Route. and nearest route from the North Carolina State line, as mentioned in the first section of the act which this is intended to amend, to the town of Sevierville; thence upon the most direct route to the town of Knoxville; but shall have power to commence work at any point they may see fit.

SEC. 3. *Be it enacted*, That the company may erect  
 Toll. and keep two toll gates upon said road, provided they extend the road to Knoxville, and at each may receive the toll as specified in the act which this is intended to amend.

SEC. 4. *Be it enacted*, That the company may open  
 Capital stock. books for the subscription of stock, both at Knoxville and Sevierville, and may keep said books open for at least thirty days, Sundays excepted; and thereafter as long as said company may see fit, or until the sum of nine thousand dollars be subscribed, which amount shall constitute the capital stock of said company.

SEC. 5. *Be it enacted*, That all parts of the act which this is intended to amend, and which does not conflict with this, be, and the same are hereby made in force to as full an extent as if said act had not expired by limitation, and the same are hereby embraced and made a part of this act.

SEC. 6. *Be it enacted*, That the company created for  
 May borrow money. the purposes specified in the foregoing sections of this act, shall have power to borrow on the faith and credit of said company, the sum of nine thousand dollars, to



be expended in the construction of said turnpike road; and to secure the payment of which, the said company may mortgage any part or parts, or if they choose, all of said road.

SEC. 7. *Be it enacted*, That as soon as the sum of three thousand dollars shall be subscribed, the company shall be considered as formed, and may at any time thereafter commence work on said road.

SEC. 8. *Be it enacted*, That the persons and companies who may become subscribers for stock as hereinafter prescribed, shall be incorporated into a company to be called the "Marshall Central Turnpike Company," who shall have succession for the term of fifty years, and have power to build a McAdamized turnpike road from a point on the Fishing Ford road, between Riggs' X Roads in Williamson county, and old Gideonville in Marshall county, to Lewisburg, the county seat of Marshall, by the way of the Marshall county bridge across Duck river, it being the bridge below the Fishing ford, with a capital of fifty thousand dollars, in shares of fifty dollars each, should said sum of fifty thousand dollars be necessary to build said road.

SEC. 9. *Be it enacted*, That books for subscription for stock in said company, shall be opened at Caney Spring on the first Monday in April next, by Henry Martin, Grant J. Allen, Wm. McLane, H. G. Baker; at Chapel Hill by John F. Ferguson, Joseph B. Boyd, J. B. Fulton, Wm. H. Alford, and Henry Owens; at Bullen by Andrew M. McLane, Mathew Giles, and Henry McLane; and said books shall be kept open until the first day of July thereafter, unless the amount of stock shall be sooner subscribed; and one or more of said commissioners may act at the respective places of subscribing for stock.

SEC. 10. *Be it enacted*, That whenever ten thousand dollars shall be subscribed, the stockholders shall elect twelve persons, who shall be stockholders or directors in said company, six of whom shall at least reside in Marshall county. Said board of directors shall elect one of their body president of said company.

SEC. 11. *Be it enacted*, That if the amount of ten thousand dollars shall not be subscribed within the time limited above, the commissioners above named, or any one or more of them, or any agent they or any of them may appoint, may open books at such times and places as they may designate for the subscription of stock; and after the election of directors, as herein provided, said

company may open books at such times and places as they may designate for the subscription of stock.

SEC. 12. *Be it enacted*, That said company may, if they see proper, commence work at any time after ten thousand dollars shall be subscribed; said work to be commenced at either end of the road if desired.

Instalments. SEC. 13. *Be it enacted*, That the stock shall be paid by instalments of five dollars a share whenever called for by the president and directors of the company; *Provided*, said calls are not made oftener than once in fifty days, upon notice of twenty days given at Chapel Hill, Cross roads, Caney spring and Lewisburg, in writing, if so ordered by the president and directors, or in such way as they may direct.

SEC. 14. *Be it enacted*, That said company may sue for any calls that may be made, or declare the stock of the delinquent stockholders forfeited, at the election of the president and directors of said company.

SEC. 15. *Be it enacted*, That the stock subscribed by any person, corporation or company, shall be a lien on the property of the subscribers for said stock, to be enforced according to the rules of law governing such cases.

SEC. 16. *Be it enacted*, That said road shall be sixteen feet wide, of coarse rock on the first course, with fine rock or gravel sixteen feet wide for the second course.

SEC. 17. *Be it enacted*, That said company may erect toll gates on said road for every five miles of said road which may be completed; *Provided*, that they shall not erect any gate within less than a mile and a half of Lewisburg.

Tolls. SEC. 18. *Be it enacted*, That the rates of toll to be charged on said road shall be the same as those charged by the Shelbyville, Farmington and Lewisburg Turnpike company, or which may hereafter be charged by said road.

Elections. SEC. 19. *Be it enacted*, That the election for directors shall be held at Lewisburg by three justices of the peace, or judges, and such number of clerks as are usual in said elections, the twelve persons having the highest number of votes shall be the directors, who shall continue in office for twelve months, and until their successors are elected and qualified; all subsequent elections for directors shall be at such place as the directors may designate.

SEC. 20. *Be it enacted*, That the elections for directors shall, after the first one, be held annually on the

first Saturday in July in each and every year; *Provided*, that notice of the time of the first election shall be given for ten days in writing, at Chapel Hill and at Lewisburg.

SEC. 21. *Be it enacted*, That each stockholder shall be entitled to one vote for each share of stock he may own in said company.

SEC. 22. *Be it enacted*, That whenever the directors shall be elected and organized as herein provided, they may call for so much upon each share of the stock as will enable them to have the route surveyed and an estimate made of the cost of the same, whether they determine to commence the construction of the road or not, before the full amount of stock shall be subscribed.

SEC. 23. *Be it enacted*, That said company shall have the privilege of tapping the Shelbyville, Farmington and Lewisburg Turnpike at or near David McLeary's, or said company shall have the privilege of tapping the Lewisburg and Franklin turnpike road at or near Wm. Ewing's, upon such conditions, and under such restrictions as said company, respectively may agree upon, and not otherwise.

SEC. 24. *Be it enacted*, That the Marshall Central Turnpike Company shall have the same remedies against persons refusing to pay toll, or for avoiding the gates, as are given to the Shelbyville, Farmington and Lewisburg Turnpike Company, for like injuries:

SEC. 25. *And be it further enacted*, That sections 52, 53, 54, 55, 56, 57 and 58 of an act passed January 25th, 1848, incorporating the Shelbyville, Farmington and Lewisburg turnpike company, be and the same are hereby declared to be a part of this act of incorporation.

SEC. 26. *Be it further enacted*, That the Shelbyville, Richmond, Petersburg and Fayetteville turnpike company shall have power and are authorized to extend their turnpike road under the same rules, regulations and restrictions as are allowed in their charter from the town of Petersburg by the way of or near to Medium Camp Ground, to Garrett's mill on Bradshaw's creek in Giles county.

SEC. 27. *Be it enacted*, That B. Metcalf, David S. Lawrence, B. F. Merritt, M. D. Driver, and Washington Hunter, be and the same are hereby appointed commissioners to open books for subscription of stock either in money or in work on said road, and that the subscribers of stock, or any five of them, with Shelbyville, Richmond, Petersburg and Fayetteville turnpike company, are hereby authorized to locate said road and to fully

Shelbyville,  
Richmond, Pe-  
tersburg and  
Fayetteville Tp  
Company.

Commissioners

organize, pass by-laws and put under contract the building of said road.

SEC. 28. *Be it enacted*, That the charter of the Hyde's Ferry turnpike company, in the county of Davidson, be so amended that said company shall have power to extend their turnpike road to the town of Clarksville in the county of Montgomery, and also to build a branch of their said road to run up Heaton's creek as far as said company may think proper.

SEC. 29. *Be it enacted*, That said company, if they construct the extension of said road with rock or gravel shall have the right to erect toll gates every five miles; or if they should grade it only, shall have the right to erect a toll gate every ten miles.

SEC. 30. *Be it enacted*, That the Clarksville and Port Royal turnpike company in the county of Montgomery, is hereby invested with all corporate powers, rights, and privileges in the same manner and to the same extent as if it had filed a copy of the survey of the route of its road for registration within twelve months, as required by the 4th section of the act passed 7th February, 1850, authorising the formation of turnpike companies.

SEC. 31. *Be it enacted*, That Richard J. Wilson, John M. Coffin, James R. Love, and Arthur A. Kennedy, stockholders in the Rockford manufacturing Company, in the county of Blount, be, and they are hereby authorized to construct and build a bridge across Little river, in said county, at or near the Rockford manufacturing mills.

SEC. 32. *Be it enacted*, That said bridge shall be substantially constructed above high water mark, and so as to be safe for crossing stock or heavy laden wagons.

SEC. 33. *Be it further enacted*, That the said Richard J. Wilson, John M. Coffin, Jas. R. Love, and Arthur A. Kennedy, are hereby authorized, so soon as said bridge is completed, to erect a gate at or near said bridge, and collect such tolls as may be authorized and established by the county court of Blount county.

SEC. 34. *Be it enacted*, That the county court of Blount county, is hereby authorized, at any quarterly term of said court, upon the application of the said Richard J. Wilson, John M. Coffin, James R. Love, and Arthur A. Kennedy, or either of them, to affix and establish such rate of tolls for crossing said bridge, as to them may seem just and proper.

SEC. 35. *Be it further enacted*, That John Haddox, J. Whitfield, S. F. Caldwell, William Blanton, Da-

vid Kinnard, F. A. Thompson, William Lee, or any five of them, be, and they are hereby appointed commissioners to open books to receive subscriptions for stock for the purpose of building a McAdamized turnpike road from Spring Hill, in Maury county, to intersect with the Franklin and Lewisburg turnpike road at such place as the directors of the company hereby incorporated, may designate, at such times and places as they may think best, either in cash subscriptions or in work, and all the above named persons or so many of them as shall unite in making said road, or any person or persons not named who shall aid in its construction, or any five of them, shall be commissioners to locate said road, and shall be and are hereby constituted a body politic and corporate, by the name and style of the Spring Hill and Lewisburg turnpike company, and by that name may sue and be sued, plead and be impleaded; have a common seal and succession for ninety-nine years.

SEC. 36. *Be it enacted*, That the capital stock of said company shall not exceed fifty thousand dollars and may be any sum less, necessary to complete said road, or any part thereof, to be divided into shares of fifty dollars each, and when the sum of three thousand dollars is subscribed, either in cash or work, to be done on said road, a meeting of the stock holders shall be held at such time and place as a majority shall designate, all being notified, and when assembled, they may proceed to elect directors, pass by-laws, and fully organize and put under contract the building of the said road.

SEC. 37. *Be it enacted*, That said road shall be graded at least eighteen feet wide with sufficient ditches on each side to carry off the water and drain the same, and shall gradually descend from the centre to the said ditches, and shall be substantially paved with gravel or broken stone, at least sixteen feet wide, eight feet in centre, ten inches thick, four feet on each side six inches thick, and shall have substantial bridges and culverts when necessary, and in all respects be completed in a substantial turnpike-road-like manner, with a grade not to exceed five degrees.

SEC. 38. *Be it enacted*, That the road shall possess and enjoy all the privileges and rights granted to the Columbia, Mooresville, Lewisburg and Cornersville turnpike road, and be subject to all restrictions provided for in said charter, not conflicting with the provisions granted in this charter.

SEC. 39. *Be it enacted*, That so soon as the road is

Gates and toll. completed as much as five miles from Spring Hill, they may erect one gate, which shall be within not less than two miles of the town of Spring Hill, and it shall be lawful for the company to erect gates within a distance of not less than five miles of each other, as far as the road may be completed, and shall receive the same tolls as provided for in the first division of the Columbia, Mooresville, Lewisburg and Cornersville turnpike company, exempting from toll the same description of persons as provided for in said charter.

SEC. 40. *Be it enacted*, That the work on said road shall be commenced within two years from the passage of this act, and at least one section of five miles be finished within five years, or this charter shall be forfeited.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER OCLXXIII.

AN ACT to amend the charter of the Tennessee, Marine and Fire Insurance Company, passed 25th Nov., 1833, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That at the first meeting of the stockholders of said company, or at any subsequent meeting it shall be lawful for them to adopt as an amendment of their charter to the seventh section thereof; that any stockholder may be eligible as a director, who may be the owner of not less than ten shares of the capital stock of said company instead of fifty shares, as now provided by law.

SEC. 2. *Be it enacted*, That James Johnson, Hugh Douglas, W. T. Berry, K. J. Morris, W. H. Gordon, C. M. Nichol, A. J. Duncan, Jno. H. Ewin, Jo. Edwards, W. B. Matthews, E. S. Cheatham, Hugh McCrea, P. Lanier, H. S. French, P. W. Maxey, and D. D. Dickey and the subscribers to the stock of the company, and their successors, shall be, and they are hereby declared to be a body politic and corporate, by the name and

style of the "Protection Insurance Company of Nashville," and by that name shall so continue until the first day of February, eighteen hundred and ninety; and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law or equity, or elsewhere, and to make and use a common seal, and the same to alter or renew at their pleasure; and generally to do and perform all things relative to the objects of this institution, which now is, or shall be lawful for any individual or body politic or corporate to do.

**Sec. 3. Be it enacted,** That the capital stock of this company shall be one hundred thousand dollars, to be increased at the pleasure of the stockholders, to two hundred thousand dollars, divided into shares of one hundred dollars each. Ten dollars shall be paid on each share at the time of subscribing, and ten dollars on each share shall, at the same time and place, be secured by negotiable notes with security to be approved by the president and directors, payable in one of the banks in the city of Nashville, in ninety days from the date, to the president, directors and company of said Protection Insurance Company of Nashville; the balance of said stock shall be secured by notes, not having more than six months to run, with personal security, to be approved of by the president and directors, or by a pledge of bank stock to the satisfaction of the president and directors aforesaid.

Capital stock.

**Sec. 4. Be it enacted,** That so soon as five hundred shares are subscribed for, and paid and secured to be paid, the company shall be competent to transact all kinds of business for which it is established; and it shall be lawful for the stockholders to meet as hereinafter directed and choose their directors.

**Sec. 5. Be it enacted,** That said corporation is hereby authorized and empowered to hold, possess and acquire, and the same to sell and convey, all such real estate as shall be necessary for the transaction of its business, or which may be conveyed to said company for the security of any debt that may become due or owing, or in satisfaction of any judgment or decree rendered in favor of said company, and may make such regulations as shall be necessary and proper for the good government of said company.

**Sec. 6. Be it enacted,** That the said Protection Insurance Company of Nashville, shall have full power and authority to make insurance upon ships and other sea vessels, and upon steamboats, flatboats and other river

Subjects of insurance.

boats; upon freight, seaman's wages, wares and merchandise, and gold and silver bullion, or money, against all maritime risk or risks of the rivers, seas or lakes; and upon houses, stores and other buildings, goods, wares and merchandize, furniture and other articles, against fire, and upon bottomry and respondentia, and to fix a premium thereon; and the said company shall have power, 1st, to make insurance on lives; 2d, to receive and hold lands under grant, with general or special covenants, so far as the same may be necessary for the transaction of their business, or where the same may be taken in payment of their debts, or purchased upon sale made under any law of this State, so far as the same may be necessary to protect the rights of said company, and the same again to sell, convey and dispose of, and generally to do and perform all other things necessary to promote these objects.

**How may invest capital.** SEC. 7. *Be it enacted*, That it shall be lawful for said company to invest any part of its capital stock, money, funds or other property, in any public stock, or funded debt, created or to be created by or under any laws of the United States, or this or any other State, or in the stock of any chartered bank of this State, or of the United States, and the same to sell or transfer at pleasure, and again to invest the same, whenever and so often as the exigencies of said company, or a due regard for the safety of its funds shall require, or they may loan the same or any part thereof, to individuals or public corporations on real or personal security, for such periods of time as the directors for the time being shall deem prudent and best for the interest of said company.

**Directors.** SEC. 8. *Be it enacted*, That the real and personal estate, business, property and funds of said company, and the administration of its affairs shall be under the direction, management and control of a board of fifteen directors, each of whom shall be owners in their own name of not less than ten shares of the capital stock of the said company, citizens of the United States, and of this State.

**Elections.** SEC. 9. *Be it enacted*, That an election shall be held after the first election, for the election of the board of directors for said company, at the office of said company, in the city of Nashville, on the first Monday in February in each and every year, of which ten days' notice shall be given in at least two of the newspapers printed in Nashville; each share-holder giving one vote for each share of which he or she may be the owner, but no shareholder shall be entitled to more than fifty votes.



and the persons so elected, shall serve as directors for the next ensuing twelve months; and if at any time an election shall not be held as herein provided, the said company shall not be dissolved, but the board of directors for the time being, shall serve until another election takes place, which may be at any time thereafter, the board for the time being giving at least ten days' notice thereof, in two of the newspapers printed in Nashville; and the said directors are hereby authorized to fill any vacancy which may happen through death, resignation, or other causes. Vacancies.

SEC. 10. *Be it enacted*, That the directors so elected, shall elect one of their body president of said company, who shall serve until the next annual election; and in case of his death, resignation or removal, the board shall appoint a president *pro tempore*; they shall fill all vacancies which may occur in their own body, and shall appoint a secretary and all subordinate officers, clerks, servants and agents of said company, fix their compensation, and define their powers, and prescribe their duties; who shall hold their office during the pleasure of the board. President.

SEC. 11. *Be it enacted*, That the president, and eight directors, or nine directors in the absence of the president, shall have full power and authority, in the name of said company, to insure upon all and every description of property hereinbefore mentioned, and the amount of premium shall be paid in cash, at the time of such insurance, and in conformity with the regulations which shall, from time to time, be established by the board. Quorum.

SEC. 12. *Be it enacted*, That the stock of said company shall be held and considered personal property, and that it shall not be assigned or transferred, except by the consent of a majority of the directors, and in the manner and forms which shall be prescribed by the board of directors; yet such stock to be liable for the satisfaction of debts as now prescribed by law to render stock liable. Stock personal property.

SEC. 13. *Be it enacted*, That on the first Monday in February and August of each year, half-yearly statements shall be made of the situation of the capital, and of the state of accounts of the company, which shall be laid before the shareholders, and such dividends of the profits may be made as the president and directors may think advisable; but they shall in no case diminish the capital stock. Dividends.

SEC. 14. *Be it enacted*, That if at any time a stockholder shall fail to pay such instalments on his stock as

**Failure to pay installments.** may be called for at the time, and in the manner prescribed, the board of directors for the time being, shall have full power to declare such stock forfeited, and shall, after giving ten days' notice thereof, offer the same for sale at public auction, to the highest bidder for cash; and the number of shares so sold, shall be transferred by the president of the board of directors to the highest bidder, who shall, by virtue of such transfer, become a member of said company; and if the sum bid be not equal to the amount paid, and the call for which it is sold, the company may proceed to collect the residue from the original stockholders, by suit in any court or tribunal of this State having jurisdiction thereof.

**SEC. 15.** *Be it enacted,* That the board of directors shall have power, at any time when in their opinion the interest of the company requires it, to demand of any stockholder additional security for such part of his stock as may remain unpaid; and if such stockholder shall fail or refuse to give such additional or other security to the satisfaction of the board of directors, they may declare such stock forfeited, and sell the same as provided for in the preceding section.

**Organization.** **SEC. 16.** *Be it enacted,* That as soon as the amount of the stock mentioned in the third section of this act, is subscribed for, and after five days' notice in two of the newspapers published in Nashville, signed by any five members of the company, the shareholders shall meet at such time and place as may be appointed within the city of Nashville, and elect by ballot the first board of directors; a plurality of votes given shall elect; and the persons so elected shall, at their first meeting, elect one of themselves president of the board, who, with the said directors, shall serve until the first Monday in February, 1855, and until another board of directors is elected.

**Individual liability.** **SEC. 17.** *Be it enacted,* That no stockholder or member of this company, shall be answerable in his person or individual property, for any contract or agreement of said company, or for any losses, deficiencies or failures of the capital stock of this company, but the whole of said capital stock, together with all property, rights and credits belonging thereto, and nothing more, shall at any time be answerable for the demands against said company; *Provided,* that any director or directors who shall sanction or aid in the continuance of the business of said company, after it shall become insolvent and unable to meet its liabilities, and said fact known to the

directors, shall be held personally responsible for all debts thereafter made, or liabilities thereafter incurred by said company.

SEC. 18. *Be it enacted*, That nothing herein contained shall be so construed as to give the company hereby created, the power of issuing bills of credit, or exercising banking privileges. Banking prohibited.

SEC. 19. *Be it enacted*, That nothing herein contained shall be so construed as to prevent the legislature from granting similar powers and privileges to similar associations.

SEC. 20. *Be it enacted*, That said company shall have power to insure any personal property not named in the above act.

SEC. 21. *Be it enacted*, That the company hereby created shall have all the rights and privileges that belong by the existing laws to the other insurance companies of the State.

SEC. 22. *Be it enacted*, That a bonus to the State of one-half of one per cent upon the capital, be paid for the use of common schools in the State of Tennessee; Bonus. and that this act shall take effect from and after it passage.

SEC. 23. *Be it enacted*, That there shall be established in the city of Memphis, a company for the purpose of transacting the business of life and general insurance, which company shall be called and known by the name of the Memphis Life and General Insurance Company, Memphis Life and General Insurance Co. and all such persons as shall be stockholders and their successors, shall and may have continued succession, and shall be capable in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also they and their successors, by the name, style and title of the Memphis Life and General Insurance Company, shall be, in law, capable of purchasing, holding and conveying all kinds of estate, whether real or personal, of receiving in trust from any person or persons, moneys, jewels, plate or other valuable thing, and of giving their acknowledgments of such deposits in such form as the directory of said company may deem best suited for the mutual protection and convenience of the depositor and the company; that said company shall also be authorized to loan their funds on any public

stocks of incorporated companies, upon the States or the United States, or to invest the same in any real or personal securities.

**Capital stock.** SEC. 24. *And be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, whenever the board may deem it expedient, to be divided into shares of one hundred dollars each; twenty-five dollars on each share shall be paid at the time of subscribing, and the residue in equal instalments from date, as the board may direct. That Edwin M. Yerger, Wm. Carroll, L. White, T. E. Overton, H. W. Williams, R. Lusk and Wm. N. Bilbo, shall be appointed commissioners, who may all, but not less than three of them open books in the city of Memphis or elsewhere in the State, as they may elect, for subscriptions, which books shall continue open from day to day till the sum of fifty thousand dollars be subscribed; but no share shall entitle the holder to vote in any election unless the same shall have been bona fide held by him or her at least ten days immediately preceding such election.

**Commissioners** SEC. 25. *And be it further enacted,* That there shall be chosen seven directors, who shall hold their offices for one year and until their successors be duly qualified; which directors, at the time of their election, and during **Directors and elections.** their continuance in office, shall be holders in their own right, of at least five shares, and shall be elected annually after the first election, at the office of said company, or at any other convenient place in the city of Memphis, and at such time of the day as the president of the company may appoint; of which election, due notice shall be given in two or more papers of the city of Memphis; and said election shall be by ballot and in person, or by proxy, and each stockholder shall be entitled to one vote for every five shares; and if no election takes place on any such day appointed, the president may order the same from time to time until an election be effected; and that the directors of the company, in the first instance, shall be chosen in the following manner: As soon as fifty thousand dollars shall have been subscribed, the commissioners before named, or not less than three of them, shall appoint a place in the city of Memphis for proceeding to the election of seven directors; and it shall be lawful for said election to be then and there holden by the subscribing stockholders, by ballot, under the before mentioned persons, or any three of them; notice of which election shall be

given in two or more city newspapers ; and the persons then and there chosen shall be the first directors, and shall serve for one year or until their successors be duly qualified ; that they shall, as soon as convenient after the election, meet together and choose out of their own body, a president, who shall serve until another board, by election, be qualified.

**Sec. 26.** *And be it further enacted,* That the directors of said company, or a majority of them, shall have power to make, prescribe and alter such by-laws rules and regulations as to them may appear needful and proper for the management and disposition of its stock, property, estate and effects ; *Provided,* they shall not be repugnant to the constitution of the State.

**Sec. 27.** *And be it further enacted,* That the president and two directors, or three directors in the absence of the president, shall have full power and authority in behalf of the corporation, to make general insurance Quorum. upon live stock, life, health, fire, marine and river risks, freights, moneys, goods, wares, and merchandize generally, and to fix premiums for the same ; also to transact all such matters as belong to an insurance company ; and all policies by them made, and subscribed to by the president or three directors, and countersigned by the secretary, shall be binding upon the said company, in like manner, and with like force, as if under the seal of said corporation ; *And be it further enacted,* that any stockholder, who, after subscribing, shall Forfeiture. neglect or refuse to pay the amount due and unpaid on his stock, when called upon by the directors, shall forfeit his stock and first payment, if not paid, in thirty days after a written notice has been served upon him by the secretary of the company.

**Sec. 28.** *And be it further enacted,* That all moneys, jewels, plate, or other valuable thing deposited with said company, as above provided for, shall be free from Deposits. any liability for any loss or indebtedness arising or growing out of their insurance business ; and that in the case of vacancies occurring in the board of directors of said Vacancies. company, it may be lawful for the remaining directors to fill such vacancy, by electing any stockholder qualified according to the requirements of the charter.

**Sec. 29.** *Be it further enacted,* That any stock in said corporation, owned by any person or persons indebted to said company, whether as principal or as security for others, and whether such indebtedness be due or has not yet matured, shall, at the option of the directors, be held as security until such indebtedness be paid and dis-

**Stock of debtors.** charged; and in case of the failure of payment of said indebtedness within twenty days after the maturity of the same, the directors shall have power to sell said stock, or so much as may be necessary to satisfy said indebtedness, by advertising the same for ten days prior to the day of sale, in two city newspapers, without further notice to the owner thereof; and that all contracts for the payment of money by the said corporation, shall be signed by the president and countersigned by the secretary.

**State tax.** **Agencies.** **Sec. 30.** *And be it further enacted,* That there shall be a State tax of one-half of one per cent upon the amount of capital actually paid in; and that the board of directors shall have power to establish such agencies in and out of the State, as they may deem for the best interests of the corporation; and that this corporation shall have power to organize and commence operations as soon as the terms of the charter are complied with.

**Officers.** **Sec. 31.** *Be it further enacted,* That the board of directors of said company may appoint or elect a secretary and treasurer, or such other officers, for the management of the business of said company, as may be deemed necessary by said board of directors; and to take from such treasurer and secretary or other officers, such bonds and securities as may be prescribed by said board of directors, which bond or bonds shall have all the force and effect for a violation of the conditions thereof as the bonds of other officers, has or may have in this State. *And be it further enacted,* that this act shall take effect and be in force from and after the day of its passage.

**Mutual Insurance Comy of Greeneville.** **Sec. 32.** *Be it enacted,* That there shall be established in the town of Greeneville, in the county of Greene, an insurance company, which shall be a body politic and corporate, to be called the "Mutual Insurance Company of Greeneville;" of which, George Jones, William M. Lowry, Jas. P. McDowell, R. M. Barton, Joseph R. Brown, John Maloney, Seburn Jewel, William D. Williams, William West, David Sevier, George M. Spencer, Samuel McGaughey, David G. Vance, Thos. D. Arnold, Joseph B. Dobson, George W. Foute, James Lowry, Washington Stone, Thomas Lane, H. B. Baker, Jno. A. Brown, or any number of the above named persons, and such other persons as may be hereafter appointed with them, by having their property or lives insured, shall be members equally entitled to a full participation in all dividends.

**Sec. 33.** *Be it enacted,* That it shall be the duty of the

twenty trustees named in the first section of this act, or the duty of any three of them within four years after the passage of this act, to open a book to receive applications for insurance to be approved of by them, amounting to fifty thousand dollars; the books may then be closed and the company may be organized. It shall also be the duty of the twenty trustees, or the duty of any three of them, to appoint three inspectors of the first election.

**Smo. 34.** *Be it enacted,* That the said Mutual Insurance Company, of Greeneville, shall have all the powers and privileges, and be subject to the same rules, regulations and restrictions, as are contained in an act passed 29th December, 1847, incorporating the "Mutual Protection Insurance company of Nashville," except when publications are required to be made—then newspapers in the town of Greeneville instead of Nashville; and also the same powers, rights and privileges granted to the "Knoxville Marine Fire Insurance and Life and Trust Company," by an act passed 17th January, 1838, be, and the same as far as applicable, are hereby conferred upon the said Mutual Insurance Company of Greeneville; and that said company pay a bonus of one-half of one per cent, to be appropriated to the use of common schools in this State.

**Smo. 35.** *Be it further enacted,* That the "Mutual Protection and Fire Insurance and Life and Trust Company, of Trenton," may have the further time of two years from the passage of this act, within which to open books for the subscription of stock; and when organized, shall be entitled to all the rights, powers and privileges, and subject to all the restrictions mentioned in the act of incorporation, passed February 21, 1852.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER CCLXXIV.

AN ACT to incorporate the Alton Mining and Smelting Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That E. G. Crump, Wm. Wane, Daniel F. Pilkington, A. Wellington — Hart, and Thos. Tilly, their associates and successors, are hereby constituted a body politic and corporate, by the name of the Alton Mining and Smelting Company, for the purpose of exploring for copper, lead, gold, silver, iron, zinc, coal, and other ores, metals and minerals, and for mining, working, smelting, purchasing and vending the same; and for such purposes may erect all necessary buildings and other apparatus and fixtures for carrying on their operations; and by that name may sue and be sued, plead and be impleaded; appear, prosecute and defend in any court of law or equity, in all suits and actions; may have a common seal, and the same alter and renew at pleasure; and may enjoy all the privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey any real and personal estate.

SEC. 2. *Be it enacted*, That the first meeting of said corporation may be called by the persons named in this act, or a majority of the aforesaid commissioners named in this act, at such time and place as they may select; and at such meeting a board of directors shall be chosen from among the stockholders present at such meeting; and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders, as aforesaid, nor with the constitution and laws of the United States and of this State.

SEC. 3. *Be it enacted*, That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their place of residence, and the number of shares of stock held by each respectively, and the time when they become respectively the owners of said shares, and the amount of stock actually paid in, which stock shall, during the usual hour of each secular day, be opened at the place of business of said company, for the in-



spection of the stockholders and creditors of the said company and their representatives.

**SEC. 4.** *Be it enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient; and may levy and collect assessments; forfeit and sell delinquent shares; declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct.

**SEC. 5.** *Be it enacted*, That the said corporation shall not contract debts until the sum of fifty thousand dollars of the capital is paid in, no part of which shall be withdrawn, or in any manner be diverted from the business of the company; and shall not contract debts, at any time to an amount exceeding the capital stock of said company.

**SEC. 6.** *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate*

Passed, February 18, 1854.

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## CHAPTER CCLXXV.

**AN ACT** to incorporate the East Tennessee Mining and Smelting Company, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That James Stevens, W. P. Bray, John Tonkin, Charles A. Proctor, Francis Oram and John C. Lyman, with their associates, are hereby constituted a body politic and corporate, under the name and style of the "East Tennessee Mining and Smelting Company," for the purpose of mining and exploring for copper and other ores and minerals; and for working, smelting, manufacturing and vending the same; and to continue in existence to them and their successors, for the period of ninety-nine years; with power to make and use a common seal, and to alter and change the same at pleasure; to make such by-laws not inconsistent

with the laws of this State and of the United States, as it may deem proper and necessary for its government in its corporate name; to sue and be sued, to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, real estate or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *Provided*, always, that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

**Capital stock.** SEC. 2. *Be it enacted*, That the capital stock of said company shall not be less than two hundred thousand dollars, and not more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the corporators, at their first meeting under this act. Nothing but money or mineral lands shall be regarded as a basis for capital stock; the stock to be subscribed for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company, in person or by attorney.

**Election of directors.** SEC. 3. *Be it enacted*, That any six of the corporators, or their associates, who may be chosen at the first meeting of the corporation, shall be the directors for the first year, and until others are elected in their stead. The annual meeting of the company shall be held at such times and places as the board of directors may determine, from year to year; thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors, the charter shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president; and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

**Individual liability.** SEC. 4. *Be it enacted*, That the stockholders not having paid their stock, according to the terms of subscription, shall be individually liable to the creditors of the company, to the amount so remaining unpaid; and in like manner shall the directors be liable individually, for any amount they may declare, and authorize to be paid to the stockholders, as dividends, when the com-

pany shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

**Sec. 5.** *Be it enacted,* That the said company shall not contract any debts, over and above the amount of the capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from the business of the company, without the consent of three-fourths, in interest, of the stockholders.

**Sec. 6.** *And be it further enacted,* That John W. Fisher, W. H. Horn, and H. K. Walker, their successors and associates, are hereby constituted a body politic and corporate, by the name of the Henrietta Mining Company, for the purpose of mining and working copper, coal, zinc and iron ores, and coal, or any other minerals, metals or ores, and also for exploring for and purchasing and vending the same, and for such purposes they may erect all necessary buildings, apparatus and fixtures for carrying on their mining operations, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits or actions, and have a common seal, and the same alter or renew at pleasure, and may enjoy the privileges incident to corporations, and may purchase, hold, mortgage, transfer and convey real or personal estate.

Henrietta Mining Company.

**Sec. 7.** *Be it further enacted,* That the first meeting of said corporation, may be called by the persons named in this act, or a majority of them, at such time and place as they may select; and at such meeting, a board of directors shall be chosen from among the stockholders, present in person or by proxy, at such meeting; and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold their office for one year, or until their successors are appointed; and may adopt such by-laws and regulations for the government of the concerns of the company, as they may deem expedient, not inconsistent with the rules made by the stockholders aforesaid, nor with the constitution and laws of the United States, and of this State.

Organization.

**Sec. 8.** *Be it enacted,* That the directors shall cause a book to be kept containing the names of all persons

who are stockholders in said company, showing their places of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in ; which book shall, during the usual business hours of each secular day, be open at the place of business of said company, for the inspection of the stockholders and creditors of said company, and their representatives.

**May divide stock.** SEC. 9. *Be it enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient ; and may levy and collect assessments, forfeit and sell the shares of delinquent stockholders, declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct.

SEC. 10. *Be it enacted*, That the said corporation shall not contract debts until the sum of thirty thousand dollars of the capital stock shall be paid in ; no part of which shall be withdrawn or in any manner diverted from the business of the company ; and shall not contract debts at any time to an amount exceeding the capital stock of said company.

SEC. 11. *Be it further enacted*, That so much of this act as relates to the "Henrietta Mining Company," shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CCLXXVI.

AN ACT to incorporate the Elk River Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James H. Estill, and such other person or persons as may hereafter be associated with him, and their successors, are hereby incorporated by the name and style of Elk River Manufacturing Company, for the purpose of manufacturing goods and articles from cotton, wool, hemp and silk, for the making of machinery of implements of wood, iron or other materials, and for the erection of mills for the grinding of grain and the manufacture of flour, for the manufacture of leather, and the erection of bridges across Elk river, for the use of the company; with a capital stock, to consist of not less than five hundred shares, and not more than five thousand shares, of fifty dollars each. Said company shall have all the rights, powers and privileges, and be subject to all the limitations, liabilities and restrictions, so far as they are applicable, which have heretofore been given to the Edgefield Manufacturing Company. Said company shall have the power to sell or lease or otherwise dispose of their site, water power and appurtenances; *provided*, that said company shall have the power to do business at one or more points, as may be convenient; *and provided*, that the said James H. Estill shall have the power to appoint a secretary and treasurer not members of said corporation, until others become members.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed January 2, 1854.

## CHAPTER CCLXXVII.

AN ACT to authorize David McCrosky to build a mill on a small sluice of French Broad River.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That David McCrosky be, and he is hereby, authorized and empowered to construct a dam

across a small sluice or stream of French Broad river, just below the mouth of Little Pigeon River in Sevier county; and that he have all the privileges and immunities granted to him necessary to the erection and successfully carrying into operation of a saw or grist mill on said sluice or stream. *Provided*, That the construction of a dam across, and the erection of a mill upon, said sluice or stream, does not obstruct or in any way impede or interfere with the navigation of the said French Broad river or other navigable streams, and that it does not affect injuriously the interest of any person or persons, by overflowing or backing the water of said stream upon their lands or premises.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed February 10, 1854.

## CHAPTER CCLXXVIII.

AN ACT to incorporate the Home Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body corporate and politic is hereby constituted, by the name of The Home Manufacturing Company, for the purpose of making wagons, carts and all kinds of farming implements, with the privilege of manufacturing such other articles as may be conveniently connected therewith; and said company shall be entitled to all the powers and privileges, and be subject to all the restrictions and liabilities of an act passed the 17th day of November, 1851, entitled "an act to incorporate the Agricultural Manufacturing Company."

Capital Stock. SEC. 2. *Be it enacted*, That the capital stock of said company shall be ten thousand dollars, to be divided into shares of one hundred dollars each, and the company shall have the power to increase the capital stock to forty thousand dollars, and whenever seven thousand dollars of the capital stock shall be subscribed for, the company may organize by selecting five out of the following persons, viz: James Northcut, B. M. Coulson,

H. M. Finger, S. McRamsey, John Irwin, Lewis E. Carpenter, H. H. Harrison, E. Pendleton, William T. Mooney, and Alfred Bone, to manage and control the affairs of the company for one year from its organization; and after the first year the company shall elect its officers annually, as prescribed in the said act of Annual election. November 17th, 1851.

SEC. 3. *Be it enacted*, That the persons named in the second section of this act be, and they are hereby, constituted a board of commissioners to procure the subscription for said capital stock, and to manage the affairs of the company until fully organized as aforesaid; and that this act shall take effect from and after its passage. Commissioners

SEC. 4. *Be it enacted*, That George W. Rice, John Haley and Jeremiah Maxwell, and such other person or persons as shall be associated with them, be, and are hereby, created and declared a body corporate and politic, under the name and style of the Battle Creek and Tennessee River Mining, Manufacturing and Transportation Company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity in this State, and shall have and use a common seal, with power and authority to purchase, receive in donation, enjoy and possess estate, real, personal or mixed, rent, sell, alienate, lease or convey, or otherwise dispose of the same, with all the rights, powers and privileges necessary and proper for them, as an incorporated company, to mine, manufacture and transport, as they may think proper. Battle Creek and Tennessee River Mining, Manufacturing and Transportation Company.

SEC. 5. *Be it enacted*, That the capital stock of said company shall consist of ten thousand shares of one hundred dollars each, and the said shares shall be only transferable on the books of the company, and then only with the consent of the board of directors, unless the full amount of such stock shall have been paid. The company shall have power to declare forfeited to it any stock upon which the instalments called for remain unpaid, in whole or in part, or it may, at its option, sue for and recover the unpaid amount before any tribunal having jurisdiction of such sums; first, however, having given thirty days' notice of such call having been made. Said company shall have the power to transact its business at one or more points, as may be deemed expedient; to make such by-laws (not inconsistent with the laws of the United States or of this State;) that said company may have power to increase the capital stock to any amount they may think neces- Capital stock.

sary, *provided* the same shall not exceed double the amount of the real estate, road and fixtures of said company.

May construct  
road.

SEC. 6. *Be it enacted*, That, for the purpose of enabling said company to carry on manufactures, to mine and raise stone coal for their own use, and deliver their coal and manufactures within the facilities of water navigation, or with the Nashville and Chattanooga railroad, the Memphis and Charleston railroad, or such other road as may be made from the Alabama State line crossing Battle creek in the Sequatchee Valley; may construct such railroads as may be necessary for the successful management of their business, with the same rights, privileges and benefits as are conferred on the Nashville and Chattanooga railroad company in reference to the right of way of said road; *and provided*, no aid of the State be granted to construct the same.

Officers

SEC. 7. *Be it enacted*, That the affairs of said company shall consist of five directors, who, together with a president by them elected from their own body, shall manage its affairs. The said five directors shall be elected by the stockholders, each stockholder being entitled to one vote for every share of stock he may hold; said stockholders may vote either in person or by proxy. The directors shall hold their office for one year, and until their successors shall have been appointed. They shall have power in their by-laws to appoint a secretary, treasurer, and other officers, and fix their salaries as they may think proper.

SEC. 8. *Be it enacted*, That nothing in this charter contained shall be construed to authorize the said company to incur any liabilities except those incident to the purposes for which the same is granted.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed February 10, 1853.



## CHAPTER CCLXXIX.

AN ACT to incorporate the Tennessee Presbytery's Board of Foreign and Domestic Missions.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Charles C. McKinney, Albert G. Gibson and Samuel M. Cowan, and their successors, are hereby declared a body corporate under the name and style of the Tennessee Presbytery's Board of Foreign and Domestic Missions, auxiliary to the General Assembly's Board of Foreign and Domestic Missions of the Cumberland Presbyterian Church. The said corporation shall have the power to receive and hold in trust all funds, bequests, devises or donations that have been or may hereafter be made to it, for the use and benefit of said missionary cause. The said corporation shall have the right to sue and be sued, plead and be impleaded, as other corporations, and shall have succession of its members as prescribed by its constitution, with full powers to appoint such officers and declare and prescribe their duties, as the object of the association may require.

SEC. 2. *Be it enacted*, That no misnomer of the said corporation shall defeat any gift, grant or bequest to or from said corporation, nor shall any misuser or nonuser of the rights, liberties or privileges hereby granted to the said corporation, create or cause a forfeiture thereof.

SEC. 3. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Blountville in Sullivan county, and the inhabitants thereof, be, and they are hereby, declared to be a body politic, with perpetual succession as such; and that said incorporation be authorized to sue and be sued, plead and be impleaded, by the name of the Mayor and Aldermen of the town of Blountville; and that they by that name be authorized and empowered to receive property, real, personal or mixed, by deed, will or gift, or otherwise, and they have full power and authority to sell and convey the same, by deed or otherwise, for the use of the corporation aforesaid, under such rules and regulations as they may make, so that the same are not inconsistent with the laws of this State; that said corporation may have and use a corporate seal, to be the seal of the corporation of Blountville. Blountville incorporation.

SEC. 4. *Be it enacted*, That said corporation have the General power to pass by-laws, a majority of the aldermen, together with the mayor, being present, for the preserva- General powers.

tion of the health of said town, for the removal of nuisances, for the improvement of the streets and public square of said town ; also to levy a tax or taxes on the persons, property and privileges in the corporation of said town, and to pass by-laws for the purpose of carrying into effect the intent and meaning of this act, and the provisions thereof, so that the same are not contrary to the constitution and laws of this State ; and that said corporation, by the mayor and aldermen thereof, have power to pass all laws and ordinances necessary and proper for the purpose of carrying into effect this act, as is common to other corporations.

Officers.

SEC. 5. *Be it enacted*, That the officers of said corporation shall consist of a mayor, six aldermen, one constable, a treasurer and recorder, to be elected by the persons living in the corporation of said town, who now, by law, are entitled to vote for governor, members of the legislature, &c. ; said officers to hold their offices for the term of one year from the time of their induction into office, and until their successors are elected and qualified.

Boundaries.

SEC. 6. *Be it enacted*, That the boundaries of said corporation be as follows, viz : Beginning at the south west corner of the Male Academy lot, thence with the western line of the same, running across the street and along the western line of the lots occupied by William K. Yost to the north west corner of the same ; thence with the northern boundary of the same to the lots now occupied by F. M. Davis ; thence running around his lots to the corner of a lot or parcel of ground now owned by L. Snapp at the Deery lane ; thence with said lane an eastern direction a straight line along the northern boundary of the back lots of said town to the branch which runs down from the poor house farm ; thence with the road through the main street to a point opposite the north west corner of the lot now used as a brick yard ; thence a direct line with the northern line of said lot and the lots east of said lot to the north east corner of the eastern lot of said town on the north side of Main street ; thence with the same to the forks of the road leading to Thomas' bridge ; thence with said road to a point where a line running with the south back street would intersect the same ; thence with said line and said back street to the north east corner of a four acre lot adjoining the Female Academy, which lot is owned by the heirs of William Deery, dec'd ; thence with the eastern boundary of said lot to a point where a line running with the southern bound-

dary of the south back lots of said town would intersect the same; thence with said southern boundary line to the south west corner of the most western lot of said back lots; thence a direct line to the beginning.

**Sec 7.** *Be it enacted,* That the mayor and aldermen and other officers of the corporation, shall have the same powers, be governed by the same rules, regulations, liabilities and restrictions as are prescribed in the 4th, 5th, 6th, 7th, 8th, 10th and 13th sections of an act passed December the 23d, 1845, chapter —, incorporating the town of Springfield and inhabitants thereof, in Robertson county, not inconsistent with the foregoing provisions of this act.

**Sec. 8.** *Be it enacted,* That the corporatoin of Blountville, by its mayor and aldermen, have power and authority to enact such laws and ordinances as may be proper for the government and discipline of the said corporation, and which may be necessary to preserve the health of the citizens of said town; to prevent and remove nuisances; to establish night watches and patrols; to ascertain, when necessary, the boundaries and location of lots, streets and alleys, with the consent of the proprietors of the lots and houses adjoining such streets, lands and allies; to pave and keep in repair the streets; to impose and appropriate fines, penalties and forfeitures; to lay and collect taxes for the purpose of carrying all necessary measures into operation for the benefit and advancement of the best interest of said town; to pass all laws and ordinances for the comfort and cleanliness and good government of said town which may be necessary for the purpose of carrying into effect the provisions, intent and meaning of this act not inconsistent with the constitution of this State.

**Sec. 9.** *Be it further enacted,* That the sheriff of Sullivan county shall, on the first Saturday of April next, and on the first Saturday of March in each and every year thereafter, open and hold an election at the court house in the town of Blountville, for the purpose of electing the officers of the corporation; the result of which shall be certified by the sheriff and lodged in the office of the county court clerk, who shall receive and safely keep the same; and for a failure to hold said election, said sheriff shall forfeit and pay the sum of twenty-five dollars, to be recovered by action of debt before any justice of the peace of Sullivan county, in the name of the trustee of Sullivan county, for the use and benefit of the corporation of Blountville. This

Further powers.

Annual election.

act to take effect and be in force from and after the passage thereof.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed March 3, 1854.

## CHAPTER CCLXXX.

AN ACT to incorporate the Bluff City Mills.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a body corporate and politic is hereby constituted and established by the name and style of the Bluff City Mills, for the purpose of manufacturing goods and articles from cotton, wool, hemp or silk, and for making machinery or implements of wood ware or other materials, and for the erection of mills for the grinding of grain and the manufacture of flour; and the said company is empowered to make and use a common seal, and the same to change at pleasure; to make such by-laws, not inconsistent with the laws of this State or of the United States, as are necessary or useful; to sue and be sued, to plead and be impleaded, to have a succession, to hold by purchase or otherwise, and to dispose of the same, any real estate or personal property, which may be convenient or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it, in part or in whole. *Provided, nevertheless,* that the real estate so held, shall at no time exceed the maximum amount of its capital hereinafter provided for.

Capital stock. SEC. 2. *Be it enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars each—shall not consist of less than two hundred shares, nor more than three thousand—shall be transferred only on the books of the company, and then only with the consent of the board of directors, unless the whole amount of instalments due thereon shall have been paid previously. The company shall have power to declare forfeited to it any stock which may remain unpaid, in whole or in part, or it may, at its option, sue for and recover the unpaid amount before any

tribunal having jurisdiction of such sums; first, however, giving thirty days' notice of such call having been made.

SEC. 3. *Be it enacted*, That R. C. Brinkley, C. G. Richardson, J. W. Crenshaw, Vernon Rhodes, and A. O. Harris, are hereby appointed commissioners to open books of subscription to the capital stock of said company, or any three of them, after first giving five days' notice thereof; and when the number of two hundred shares, or such greater number not exceeding three thousand, as may be determined on by the acting commissioners, shall have been subscribed for, the said company shall, after due notice, proceed to elect five directors, who, with a president, to be elected from their own body, shall manage the affairs of said company or corporation, and may hold their office for the term of one year, or until their successors shall be elected.

SEC. 4. *Be it enacted*, That R. C. Brinkley, D. M. Leatherman, J. Knox Walker, Miles Owen, J. H. McMahon, W. B. Miller and D. Crockett, and such other persons as may become shareholders of the capital stock of the company hereinafter incorporated, and their successors to the rights hereby conferred, be, and the same are, constituted a body politic and corporate, by whatever name they may select, for the purpose of building a Hotel in the city of Memphis, and by their corporate name may sue and be sued, plead and be impleaded, contract and be contracted with, purchase and dispose of personal and real property, for the benefit of said company, and may have and use a common seal.

SEC. 5. *Be it enacted*, That the said company shall have all the powers, rights and privileges, and be subject to the same restrictions and conditions as are contained in the charter of the Metropolitan Hotel Company, passed February 25th, 1852, which charter is hereby incorporated into this act.

SEC. 6. *And be it further enacted*, That James Kyle, E. A. Raworth and H. K. Walker, their successors and associates, are hereby constituted a body politic and corporate, by the name of the Estinaula Mining Company, for the purpose of mining and working copper, lead, zinc and iron ores and coal or any other minerals, metals or ores, and also for exploring for and purchasing and vending the same; and for such purposes they may erect all necessary buildings, apparatus and fixtures for carrying on their mining operations; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law

or equity, in all suits or actions, and have a common seal, and the same alter or renew at pleasure, and may enjoy the privileges incident to corporations, and may purchase, hold, mortgage, transfer and convey real or personal estate.

**Organization.**

**SEC. 7.** *Be it enacted*, that the first meeting of said corporation may be called by the persons named in the 6th section of this act, a majority of them, or their legally authorized agents, at such time and place as they may select; and at such meeting a board of directors shall be chosen from among the stockholders, present in person or by proxy, at such meeting; and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the constitution and laws of the United States and of this State.

**SEC. 8.** *Be it enacted*, That the directors shall cause a book to be kept, containing the names of all persons who are stockholders in said company, showing their places of residence and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in; which book shall, during the usual business hours of each secular day, be open at the place of business of said company, for the inspection of the stockholders and creditors of said company and their representatives.

**SEC. 9.** *Be it enacted*, That the said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof in such manner and form as they may deem expedient, and may levy and collect assessments, forfeit and sell the shares of delinquent stockholders, declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct.

**Contract debts**

**SEC. 10.** *Be it enacted*, That the said corporation shall not contract debts until the sum of thirty thousand dollars of the capital stock shall be paid in, no part of which shall be withdrawn or in any manner diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the capital stock of said company.

SEC. 11. *Be it enacted*, That so much of this act as relates to the Estinaula Mining Company shall take effect on and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed February 24, 1854.

## CHAPTER CCLXXXI.

AN ACT to authorize the Jews of Davidson county to purchase a burial ground and build a synagogue, and for other purposes.

*Whereas*, By the constitution of this State, "all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience;" *and whereas*, the Jews of Davidson county desire to purchase a burial ground for their dead, and to erect a synagogue in said county in order that they may the more quietly, securely and fully enjoy the inestimable blessing of such right; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Isaac Garrison, Henry Harris, M. Sulzbacker, Lewis Hanf, Marx Elsbach, A. B. Oppenheimer, E. Wolf, A. Lande, L. Sohn, S. Nathan, H. Jessel, and all other Israelites of said county who shall apply to become members and be accepted in the manner hereinafter stated, and their successors, being citizens of the United States of America, shall, and they are hereby, declared to be, for the term of fifty years, a body corporate and politic under the name of "Kaal a Kodish Mogen David," (a Holy Congregation—the Shield of David,) and under this name shall have the power and right, in law, of holding and owning both real estate and personal property of any nature whatsoever, whether the same is acquired by purchase, by gift, or otherwise, to an amount in value at any one time not exceeding one hundred thousand dollars, and also the power and right, in law, to sell, exchange and mortgage any property so acquired, to sue and be sued, to plead and be impleaded, to answer and be answered unto in all suits and actions, whether in law or equity, to make all by-laws, rules and regulations for the government of

the society, and enforce the same; *provided*, that the by-laws, rules and regulations so made are contrary to neither the constitution and laws of this State or of the United States, and may have a common seal and the same break, alter or renew at pleasure.

Rule of admission.

SEC. 2. *Be it further enacted*, That all persons who shall hereafter seek to become members of this society or corporation, shall make application to the Parnas, (president of the society,) whose duty it shall become to lay such application or applications before the members at their meeting next succeeding such application, and it shall be the duty of the members at such meeting, or as soon thereafter as may be convenient, to determine by ballot (each member being entitled to one vote, and a majority ruling,) whether the applicant or applicants shall be admitted to membership; and the society shall have the right to determine the conditions upon which a member shall be admitted; *provided*, that none but Israelites shall be admitted; *and provided further*, the condition shall be prescribed by a rule or by-law of the society, and shall be applicable to all seeking membership, so long as the rule or by-law remains in force.

Power to expel.

SEC. 3. *Be it further enacted*, That the Society shall have the right and power to expel any member for violating the by-laws, rules and regulations, or any one or more of them, or for any immoral conduct; and when so expelled, he shall cease to have the right and privilege of a member, or any interest in the property belonging to the society, unless and until he is re-admitted as a member into the society; *provided*, the by-laws, rules and regulations shall prescribe the act or conduct for which a member may be expelled, *and provided further*, that the by-laws, rules and regulations of the society shall determine the mode and manner in which the act or guilty conduct shall be ascertained and declared.

SEC. 4. *Be it further enacted*, That the mode of worship shall be according to the form used and adopted by the Polish Israelites.

Appropriation of funds.

SEC. 5. *Be it further enacted*, That the funds and property of the company shall not be employed in banking, but shall be appropriated in the purchase of a burial ground and in the purchase of grounds for the erection of temples and synagogues, and in beautifying the same; in the erection and construction of such temples and synagogues, and in the purchase of furniture, utensils, books and other things necessary or appropriate



for the same ; in the purchase of grounds for and in the erection thereon of school houses for the instruction of Israelites, and the purchase of books, furniture, &c., for the same ; in relieving the unfortunate, in salaries to the pastor or pastors, reader or readers, teacher or teachers, and in salaries for the shochet, (butcher,) and in the purchase of all other things and property of every nature whatsoever, necessary or proper to carry out fully and fairly the provisions of this act.

SEC. 6. *Be it further enacted*, That the society shall **Officers.** be represented by one Parnas, (President,) one Gabah Sedoakah, (Vice President or President of Charity,) one Gabah Beth Chayim, (President of Burial Grounds,) one Treasurer, one Secretary, and four Trustees, who together shall form a board to be styled the "Board of Trustees of Kaal a Kodesh Mogen David," and who shall have the power to make all contracts, and to pass all by-laws, rules and regulations for the government of the society—subject, however, to the ratification of the members at a general meeting called for the purpose, and to do whatever else may be necessary and proper to carry out the provisions of this act, or what this act was intended to accomplish—subject, however, to be ratified in the same manner. The members of said board shall continue in office one year, and until their successors shall be chosen and qualified. No one shall be chosen to fill either of said offices who has not attained to the age of twenty-one years, and who shall not be at the time a resident of Davidson county, and no member shall be elected to the same office more than twice in succession.

SEC. 7. *Be it further enacted*, That the Gabah Sedo- **Bonds.** kah (Vice President) and Treasurer shall before entering upon the duties of their respective offices give bond and security for the faithful performance of their duties during their continuance in office, in a sum or sums to be fixed in the by-laws of the corporation, which bond with the security shall be accepted and approved by the other members of the board and spread upon the minutes or records of the society.

SEC. 8. *Be it further enacted*, That the election of all **Elections.** officers shall be held on such days and at such times as the society shall prescribe in the by-laws ; and in all such elections each male member shall be entitled to one vote, and a majority of the members present shall govern. In case an election cannot be made on the day, the members shall have the power to adjourn to another day or days ; or should they fail, the Parnas

(President) shall have the power to call a meeting for the purpose; and in case he refuses, any three members shall have the same power to call such meeting. If a second meeting is called, and an election is not effected on the first ballot, the President, in all elections but his own, shall give the casting vote, and if he is interested, then the Secretary shall give the casting vote.

SEC. 9. *Be it further enacted*, That this act shall take effect from its passage.

Congregation  
of the Children  
of Israel.

SEC. 10. *Be it enacted*, That Jos. J. Andrews, Moses Simons, John Walker, D. Levy, Julius Sandec, D. Folz, M. Bornberger, M. Bloom, Joseph Strous, and H. Riebach, and their successors in office, be, and they are hereby, constituted a body politic and corporate, under the name and style of "The Congregation of the Children of Israel," for the purpose of establishing in the city of Memphis a church for the worship of Almighty God, according to the rites and creed of the Hebrew sect; and under said name and style of "The Congregation of the Children of Israel," they shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, in all manner of suits and actions, and generally to do and perform all other acts and things which bodies corporate may lawfully do.

SEC. 11. *Be it further enacted*, That the corporation above created shall have power to receive by gift, donation or purchase, and to hold real, personal and mixed property; to sell, exchange or mortgage or otherwise dispose of the same as, in their judgment, may best subserve the interest of said church.

By-laws, &c.

SEC. 12. *Be it further enacted*, That said trustees above named, shall have power to make all by-laws, rules and regulations necessary for their own government; to choose their own officers, in such manner as said church government may prescribe; to prescribe the mode in which their successors shall be chosen; to fill vacancies, and to do such other acts and things as may be necessary and proper to the advancement of the objects of this corporation; *provided*, that none of their by-laws, rules and regulations be inconsistent with the constitution and laws of Tennessee.

SEC. 13. *Be it further enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed March 2, 1854.

## CHAPTER CCLXXXII.

AN ACT to incorporate the Annual Conference of the Methodist Protestant Church, Tennessee District.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the "Annual Conference of the Methodist Protestant Church, Tennessee District," is hereby incorporated, and by that name may sue and be sued, plead and be impleaded, and hold property, real, personal and mixed.

SEC. 2. *Be it further enacted*, That the affairs of said **Managers.** Corporation may be managed by the Annual Conference of the Methodist Protestant Church, Tennessee District, or any seven persons said Conference may elect or appoint, said persons to be elected or appointed annually by said Conference, and shall continue in office until their successors are appointed, one of whom shall be elected by said seven persons President of their body.

SEC. 3. *Be it further enacted*, That the property which **Property.** said Corporation is authorised to hold, shall be applied to such religious, charitable, literary, or missionary purposes as said Annual Conference may designate. *Provided*, Said application of said property or funds, shall not be in violation of the Constitution or laws of the land.

SEC. 4. *Be it further enacted*, That said Corporation may hold property of any kind in trust, for such religious, charitable, literary, or missionary purposes as the donor or testator may designate, not inconsistent with the Constitution or laws of the land, and execute said trust.

SEC. 5. *Be it further enacted*, That said Corporation **Treasurer.** shall have the power to appoint a Treasurer of said Corporation either of their own body or any other person, and take bond and security for the faithful performance of his duties, and in such penalty as they may deem just.

SEC. 6. *Be it further enacted*, That a majority of directors authorized to be elected or appointed by said Conference shall constitute a quorum to do business, and said Corporation shall have power to sell by the usual mode of conveyance, any property they may hold in furtherance of the objects herein authorised.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 17, 1854.

## CHAPTER CCLXXXIII.

## AN ACT to incorporate the Porter Fire-Arm Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That E. W. Porter, James C. Jones, David Looney, George H. Monsarrat, R. W. Latham, A. O. P. Nicholson, A. M. Looney, A. S. Case, Edward Pendleton and S. P. Walker, the owners of the patent issued to P. W. Porter, for the manufacture of Fire-Arms in all their varieties, are hereby made a body politic and corporate, by the name and style of the Porter Fire-Arm Company, and by that name they may sue and be sued, plead and be impleaded, have a common seal and succession for ninety-nine years, together with such other powers as are incident to manufacturing corporators.

Capital stock. SEC. 2. *Be it enacted*, That the Capital Stock of the Company shall be one million of dollars, to be divided into shares of one hundred dollars each, and to be managed by a board of directors of five, to be chosen by the stockholders, each share being entitled to one vote in the choice of directors. The board shall elect a President, Treasurer and Secretary, fix their salaries and provide for such other agents as their business shall require; the directors to be chosen annually, as well as the officers at such time and place as the board afterwards shall determine. The board shall be organized as soon as practicable, but until such organization the present corporators to choose their officers and proceed to adopt rules and regulations for opening books for subscription of stock, and to adopt all necessary rules and regulations for the government of the Company not inconsistent with the Constitution and laws of Tennessee.

Agencies. SEC. 3. *Be it enacted*, That the business of the Company shall be the manufacture and sale of Porter's Fire-Arms, and for this purpose they may establish agencies in such other States as they may deem necessary.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 20, 1854.

## CHAPTER CCLXXXIV.

AN ACT to charter the Marion Mining Company, and the United Cumberland Mining and Smelting Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Patterson B. West, Edward Trabue, Alexander Fall, David T. Scott, Robert C. Foster, M. D. and James A. Woods, their associates and successors, are hereby constituted a body politic and corporate, by the name of the Marion Mining Company, for the purpose of exploring for coal, iron and other ores, metals and minerals; and for mining, working, smelting and vending the same; and for such purposes, may erect all necessary buildings and other apparatus and fixtures for carrying on their operations; and by that name may sue and be sued, plead and be impleaded; appear, prosecute and defend in any courts of law or equity whatsoever, in all suits and actions; may have a common seal, and the same may alter or renew at pleasure; hold, mortgage, transfer and convey any real and personal estate.

SEC. 2. *Be it enacted*, That the first meeting of said corporation may be called by the persons named in this act, at such time and place as they may select; and at such meeting a board of directors shall be chosen among the stockholders by the votes of a majority of the stockholders present at such meeting; and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; and said directors shall hold office for one year, or until their successors are appointed; and may adopt such by-laws and regulations for the government of the concerns of said company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the constitution and laws of the United States and of this State.

SEC. 3. *Be it enacted*, That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their places of residence and the number of shares of stock held by each respectively, and the time when they become respectively the owners of said shares, and the amount of stock actually paid in, which book shall, during the business hours of each secular day, be open at the place of business of said company, for the inspection of the stockholders and creditors of the company and their representatives.

Shall keep books.

**SEC. 4.** *Be it enacted,* That the said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof in such manner and form as they may deem expedient, and whenever said company shall, by purchase, lease, or otherwise become possessed of any mine, mines or mineral rights within the limits of this State, the directors may make a separate and distinct interest of each mine and divide said interest into such number of shares as they may deem expedient, not exceeding in amount two hundred thousand dollars for each mine, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares of said mine in such manner as their by-laws may direct.

Division of  
stock.

**SEC. 5.** *Be it enacted,* That said corporation shall not contract debts until the sum of twenty-five thousand dollars of the capital stock is paid in, no part of which shall be withdrawn, or in any manner diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the amount of capital stock of said company.

**SEC. 6.** *Be it enacted,* That said corporation shall have the power to construct a railroad or roads, with one or more tracks, to be used with steam, animal or other power, from any point or points on the Nashville and Chattanooga Railroad, or the Memphis and Charleston Railroad, to any or all the coal and other mines and lands now owned, or that may hereafter be owned by said Marion Mining Company; and to such other places as the stockholders may deem best and expedient for the interest only of said company; and for such purposes, may purchase, have and hold in fee simple, or for a term of years, any real or personal estate, and may mortgage, sell, transfer and convey the same as other property belonging to said company.

Railroad.

**SEC. 7.** *Be it enacted,* That if the owner or owners of any lands or materials necessary for the construction or repair of said road or roads, will not agree with said board of directors of said company, for the sale or use of the same, application may be made by said board of directors, to any justice of the peace in the county where said property is situated, who, thereupon, shall issue his writ to the sheriff of said county, for the summoning of a jury of five freeholders not related to any of the parties, or in any way interested, who, after being sworn by the sheriff, shall make a just estimate of the value of the property required by said company; and the amount so fixed, shall be paid by said company.

Damages.

to the owners of said property, in full settlement of all values and damages.

**SEC. 8.** *Be it enacted,* That said company, when necessary, shall have the right to conduct the said railroad or roads across or along any public road or water-course.

**SEC. 9.** *Be it enacted,* That said road or roads shall be under the control of the same board of directors, and subject to the same rules and by-laws as the Marion mining company; and that the same shall constitute a part of the property of the stockholders of said company, in the same proportion as other property purchased by them.

**SEC. 10.** *Be it further enacted,* That the first meeting of the said Marion mining company, may be called by a majority of the commissioners, or their successors, or substitutes named in the first section of this act.

**SEC. 11.** *Be it enacted,* That this act shall take effect from and after the final passage thereof.

**SEC. 12.** *Be it enacted,* That A. W. Hart, E. R. W. Thomas, and E. P. McGinty, their associates and successors, are hereby constituted a body politic and corporate, by the name of the United Cumberland Mining and Smelting Company, for the purpose of smelting copper, lead, zinc and iron ores, and for the purpose also of exploring for copper, lead, zinc, coal, and any other ores, metals and minerals, and for mining, working, smelting, purchasing and vending the same; and for such purposes, they may erect all necessary buildings, apparatus and fixtures for carrying on their smelting and mining apparatus; and by that name may sue and be sued, plead and be impleaded; appear, prosecute and defend, in any court of law or equity, in all suits or actions, and have a common seal, and the same alter or renew at pleasure; and may enjoy all the privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey real or personal estate.

United Cum-  
berland Min'g  
& Smelt'g Co.

**SEC. 13.** *Be it enacted,* That the first meeting of said corporation may be called by the persons named in this act, or a majority of them, at such time and place as they may select; and at such meeting, a board of directors shall be chosen from among the stockholders by the votes of a majority of the stockholders present in person or by proxy, at such meeting; and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold office for one year, or until their successors are ap-

First meeting.

pointed; and may adopt such by-laws and regulations for the government of the concerns of the company, as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the constitution and laws of the United States and of this State.

SEC. 14. *Be it enacted*, That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their place of residence and the number of shares of stock held by each respectively, and the time when they become respectively the owners of said shares, and the amount of stock actually paid in, which book shall, during the usual business hour of each secular day, be opened at the place of business of said company for the inspection of the stockholders and creditors of said company and their representatives.

Shall keep  
books.

SEC. 15. *Be it enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as they may deem expedient; and may levy and collect assessments; forfeit and sell the shares of delinquent stockholders; declare and pay dividends on the shares in said mines in such manner as their by-laws may direct.

Division of  
stock.

SEC. 16. *Be it enacted*, That the said corporation shall not contract debts until the sum of forty thousand dollars of the capital stock is paid in no part of which shall be withdrawn or in any manner diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the capital stock of said company.

SEC. 17. *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER CCLXXXV.

AN ACT to incorporate the Polk County Copper Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That H. G. Stebbins, Lyman Denison and Lyman W. Gilbert, and their associates,



are hereby constituted a body politic and corporate, under the name and style of the Polk County Copper Company, for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting manufacturing and vending the same; and to continue to them and their successors, for the period of ninety-nine years, with power to make and use a common seal, and to alter or change the same at pleasure; to make such by-laws not inconsistent with the laws of this State and of the United States, as it may deem proper and necessary for its government in its corporate name; to sue and be sued; to plead and be impleaded: to hold by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts to it; *Provided always*, that the first cost of such real estate shall not exceed the maximum amount of capital stock hereinafter provided for.

Sec. 2. *Be it enacted*, That the capital stock of said company shall not be less than two hundred thousand dollars, and not more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the corporators at their first meetings under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe; the shares shall be considered personal property, and shall be transferable only on the books of the company or by attorney. Capital stock.

Sec. 3. *Be it enacted*, That the corporators named in the first section of this act shall be the directors for the first year and until others are elected in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days previous notice being given in some newspaper published near the place of business, of the time and place of such meetings; at each annual meeting a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president, and shall appoint such Directors and meetings.

other officers and agents as they may deem proper, and affix their salaries.

Individual liability. SEC. 4. *Be it enacted*, That all the stockholders not having paid their stock, according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be liable, individually, for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part the dissenting director shall enter, or cause to be entered, on the minutes of the board, his dissent thereto, or if not present when the act is done, he shall so record or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 5. *Be it enacted*, That the said company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn or in any way or manner diverted from the business of the company, without the consent of three-fourths in interest of the stockholders.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER COLXXXVI.

AN ACT to incorporate the Jasper Mining, Manufacturing and Agricultural Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Elbridge Gerry Roberts, Samuel Eames Low, and such others as may be associated with them, as hereinafter mentioned, shall be, and they are hereby constituted a body politic and corporate for the purpose of mining iron, coal, and other minerals, and for manufacturing these and other mineral, vegetable and animal substances, and for agriculture in the counties of Polk, Marion and Grundy, East Tennessee, under the name and style of the Jasper Min-

ing, Manufacturing and Agricultural Company; and by that name may have perpetual succession; may sue and be sued; may contract and be contracted with; may have a common seal; may purchase and hold such real and personal estate as they may deem necessary for carrying on the business of the corporation, and the same to sell or dispose of at pleasure; and may make all needful by-laws for their government, not inconsistent with the laws of the United States or of the State of Tennessee.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be not less than one hundred thousand dollars, nor more than five hundred thousand dollars, to be divided into shares of five dollars each. Capital stock.

SEC. 3. *Be it enacted*, That the stock of the said company, shall be deemed personal estate, and pass as such to the representatives of each stockholder, and be transferred, and certificates thereof issued in such manner and form as the president and directors or stockholders, in general meeting, may from time to time direct. Transferring stock.

SEC. 4. *Be it enacted*, That the affairs of said company shall be managed by a board of directors not exceeding nine, who shall be chosen annually, and who shall hold their office for twelve months, or until their successors be appointed. They shall select from their number a president or managing director; and a majority of the members may constitute a board for the transaction of business. Directors.

SEC. 5. *Be it enacted*, That the aforesaid persons may, at any time or place that they may designate, open books for the subscription of stock.

SEC. 6. *Be it enacted*, That it shall be lawful for said company to erect and construct such railroad or railroads, plank or plank roads upon their own lands, as may be necessary to be used for the purposes contemplated by this act; and that this act be in force and take effect from and after its passage. Road.

SEC. 7. *Be it enacted*, That Stephen Williams and Henry C. Morris and their associates and successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Middle Forked Deer Levee Company," with power, by that name to sue and be sued, to plead and be impleaded; and generally to do and perform all acts and things which bodies corporate may lawfully do, for the purposes hereinafter named; and shall have a common seal, and succession for ninety-nine years. Middle Forked Deer Levee Co.

SEC. 8. *Be it enacted*, That said company shall be au-

Route of levee authorized to construct a levee or bridge across the bottom of the Middle Forked Deer River near Dyersburg, to commence near the residence of Stephen Williams, and to terminate at the north bank of the river; and that said company shall be required to build a good and substantial bridge at least as high and as wide as the present bridge at the town of Dyersburg.

Style of levee. SEC. 9. *Be it enacted*, That said company shall construct said levee and bridge ten feet wide at the top, with at least one "turn out" for every hundred yards, of the width of sixteen, and that the whole levee shall be above the highest point of overflow heretofore known.

Tolls. SEC. 10. *Be it enacted*, That they shall be authorized to demand and collect the same tolls as provided for in the 19th section of an act passed the 7th of February, 1850, entitled "an act to authorize the formation of turnpike companies" in this State.

Penalty for passing gate. SEC. 11. *Be it enacted*, That if any person shall, forcibly or secretly pass the toll gate, such person, so offending, shall be liable to an action before any justice of the peace for the amount of toll, and shall forfeit and pay to the company five dollars for every such offence, to be recoverable by action of debt before any justice of the peace.

SEC. 12. *Be it enacted*, That said company shall complete the building of the said levee within two years from the passage of this act, and when completed it shall be the duty of the county court of Dyer county to appoint three commissioners, whose duty it shall be to inspect such levee and bridge, and if completed according to the provisions of this act, and to report the same for record on the minutes of said court.

Little Tenn. & Coco creek Mining Co. SEC. 13. *Be it enacted*, That Granville C. Torbitt, N. E. Alloway, Jno. K. Howard, and their associates, be, and they are hereby constituted a body politic and corporate, under the name and style of the "Little Tennessee and Coco Creek Mining Company," for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same, for the same period, with the same capital, and to have the same rights and powers, and to be subject to the same limitations and restrictions as have been granted to the "Callaway Mining Company," by an act passed at the present session of this General Assembly.

SEC. 14. *Be it further enacted*, That Jno. M. Bass, V. K. Stevenson, and Aaron V. Brown, are hereby consti-

tuted a body politic and corporate, under the name and style of the "Nashville and Ocoee Mining Company," for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same, for the same period, with the same capital, and to have the same powers, and to be subject to the same limitations and restrictions as are granted to the "Calloway Mining Company," by an act passed at the present session of this General Assembly.

Nashville and  
Ocoee Mining  
Company.

SEC. 15. *Be it enacted.* That William S. Wetmore, Moses W. Wetmore, Jno. M. Bass, V. K. Stevenson, Aaron V. Brown, and their associates, are hereby constituted a body politic and corporate, under the name and style of the "New York and East Tennessee Mining Company," for the purpose of exploring and mining for gold, silver, copper, and other ores and minerals, and for working, smelting, manufacturing and vending the same, with a capital not less than three hundred thousand dollars, and not to exceed at any time three millions; to have the same period of existence, to possess the same powers and privileges, and to be subject to the same limitations and restrictions as have been granted to the "Calloway Mining Company," by an act passed at the present session of this General Assembly.

New York and  
East Ten. Min-  
ing Company.

SEC. 16. *Be it further enacted,* That there shall be established in the city of Nashville, a company for the purpose of transacting the business of Life and General Insurance, which company shall be called and known by the name of the "Nashville Life and General Insurance Company;" and all such persons as shall be stockholders, and their successors, shall and may have continued succession for ninety-nine years; and shall be capable in law of suing and being sued, of pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also they and their successors, by the name, style and title of the Nashville Life and General Insurance Company, shall be in law capable of purchasing, holding and conveying all kinds of estate, real or personal, of receiving in trust from any person or persons, money, jewels, plate or other valuable thing; and of giving their acknowledgements of such deposits in such form as the directory of said company may deem best suited for the

Nashville Life  
& General In-  
surance Co.

mutual protection and convenience of the depositor and the company: that the said company shall also be authorized to loan their funds on any public stocks of incorporated companies, upon the States or the United States; or to invest the same in any real or personal securities.

**Capital stock.** SEC. 17. *And be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, with the privilege to increase the same to five hundred thousand dollars whenever the board may deem it expedient, to be divided into shares of one hundred dollars each; twenty-five dollars on each share to be paid in cash at the time of subscribing, and the residue in equal instalments from the date of the subscription, at the election of the board.

**Commissioners** SEC. 18. *And be it further enacted,* That the subscription books shall be opened in the city of Nashville under the superintendence of Robert Lusk, L. B. White, John Deshields, J. A. Harding, S. Pritchett and Wm. N. Bilbo, or any three of them, but not less than this number; which said books shall continue open for subscription from day to day, until the sum of fifty thousand dollars be subscribed; but no share shall entitle the holder to vote at any election unless the same shall have been *bona fide* held by him or her at least ten days immediately preceding such election.

**Directors.** SEC. 19. *And be it further enacted,* That there shall be chosen seven directors, who shall hold their offices for one year, and until their successors be duly qualified; which directors, at the time of their election, and during their continuance in office, shall be holders in their own right, of at least five shares, and shall be elected annually after the first election, at the office of said company, or at such other place in said city, and at the time of day designated by the president of said company; of which election due notice shall be given in two or more city papers; and said election shall be by ballot, and in person or by proxy, and each stockholder shall be entitled, for every five shares, to one vote; and if no election take place on any such day as designated, the president may order the same from day to day till the same is effected.

**First board.** SEC. 20. *And be it further enacted,* That the directors of the said company in the first instance shall be chosen in the following manner: as soon as fifty thousand dollars shall have been subscribed, the commissioners before named shall appoint a place in the city of Nashville for proceeding to the election of seven directors,

who shall be voted for and elected by the subscribing stockholders, and the election shall be by ballot, under the direction of the above commissioners, or not less than any three of them, due notice having been given in two or more newspapers of the city; the persons then and there chosen shall be the first directors, and shall serve for one year, and until their successors be duly qualified; that they shall, as soon as convenient, after the election, meet together and choose out of their own body a president, who shall serve until another board, by election, be qualified.

SEC. 21. *And be it further enacted*, That the directors of said company or a majority of them, shall have By-laws, &c. power to make, prescribe, and alter such by-laws, rules and regulations as to them may appear needful and proper for the management and disposition of its stock, property, estate and effects; *Provided*, they shall not be repugnant to the constitution and laws of the State.

SEC. 22. *Be it further enacted*, That the President and two directors, or three directors in the absence of the president, shall have full power and authority, in Policies. behalf of the corporation, to make general insurance upon live stock, life, health, fire, marine and river risks, freights, moneys, goods, wares and merchandize generally, and to fix premiums for the same; also to transact all such matters as appertain to an insurance company; and all policies by them made, subscribed to by the secretary, shall be binding and obligatory upon the said company, in like manner, and with like force as if under the seal of said corporation.

SEC. 23. *Be it further enacted*, That any stockholder, after subscribing, who shall refuse or neglect to pay the Forfeiture. amount due and unpaid on his stock when called on by the directors, shall forfeit his stock and first payment if not paid within thirty days after a written notice served on him by the secretary of the corporation.

SEC. 24. *Be it further enacted*, That in case of Vacancies. vacancies occurring in the board of directors of said company, it may be lawful for the remaining directors to fill such vacancy by electing any stockholder qualified according to the requirements of the charter.

SEC. 25. *Be it further enacted*, That all monies, jew- Not liable for deposits. els, plate, or other valuable thing deposited with said company as above provided for, shall be free from liability for any loss or indebtedness arising or growing out of their insurance business.

SEC. 26. *And be it further enacted*, That any stock in said corporation owned by any person or persons indebt-

**Debtors.** ed to said company, whether as principal or as securities for others, and whether such indebtedness be due or has not yet matured, shall at the option of the directors of said company be held as security until said indebtedness be paid and discharged, and in case of a failure of payment of such indebtedness within twenty days after the maturity of the same, the directors shall have power to sell such stock, or as much thereof as will satisfy said indebtedness by advertising the same for ten days prior, the sale thereof in one or more papers in the city of Nashville, and without any further notice thereof to the owner.

**Tax and bonus.** SEC. 27. *And be it further enacted,* That all contracts for the payment of money by the said corporation, shall be signed by the president, and countersigned by the secretary; and that the amount of capital actually paid in, and property of said company, shall, at all times, be liable to the same rate of taxation as the property of individuals and like corporations in the State; and that said company shall pay a State tax of half of one per cent upon the capital actually paid in.

**Officers.** SEC. 28. *Be it further enacted,* That the corporation shall have the privilege to organize and commence operations as soon as the terms of the charter are complied with; and that the board of directors shall have power to establish such agencies as they may deem expedient for the interests of the corporation; that the board of directors of said company, may appoint or elect a secretary and treasurer, or such other officers for the management of the business of said company, as may be deemed necessary by said directors; and to take from such secretary and treasurer, and other officers, such bond or bonds, with such security as may be prescribed by the said board of directors; which bond or bonds shall have all the force and effect for a violation of the conditions thereof, as the bonds of other officers has or may have in this State.

SEC. 29. *And be it further enacted,* That this act shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate*

Psased, January 20, 1854.



## CHAPTER CCLXXXVII.

AN ACT to incorporate the Tennessee Smelting Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Congdon, William Hickok, Charles Congdon, Charles A. Proctor, and Lyman W. Gilbert, are hereby made a body politic and corporate, by the name and style of the Tennessee Smelting Company, for the purpose of smelting copper and other ores, and of manufacturing and marketing the same; to continue and have succession for the term of ninety-nine years, with powers to make and use a common seal, and the same to alter or change at pleasure; to sue and be sued; to plead and be impleaded; to hold by purchase or otherwise, any real or personal property that may be necessary or convenient for the prosecution of its business, or which it may become possessed of for debts due to it; and to dispose of the same in any manner it may deem best; *Provided, always*, that the value of such real estate shall not exceed in amount the maximum amount of capital stock hereinafter provided for.

SEC. 2. *Be it enacted*, That the capital stock of said corporation shall not be less than one hundred thousand dollars, and not more than five hundred thousand dollars, and shall be divided into shares of not less than ten dollars each; which shall be considered in law as personal property, and shall be transferable only on the books of the company, by the holder in person or by his attorney. Capital stock.

SEC. 3. *Be it enacted*, That the corporators named in this act shall be the directors of the company for the first year and until others are elected in their stead; that they shall have power to open books of subscription to the capital stock; to make assessments on the stock from time to time with power to forfeit to the company all shares on which instalments are not paid, together with all payments previously made thereon, when calls shall remain unpaid for the space of thirty days after the same shall have become due and payable; *Provided always*, that said forfeiture shall not be valid as against any stockholder residing in this State, unless upon default of a stockholder after thirty days' notice of a call upon said stock shall have been published in some newspaper either in the town of Nashville, Athens or Knoxville, and after thirty days' notice in writing regularly directed and mailed to the supposed address of stock- First directors and calls upon stock.

holders residing out of the State. The directors shall have power to make by-laws for the government of said corporation, not inconsistent with the constitution and laws of this State or of the United States; to fill all vacancies that may occur in their body; shall fix the time and place of the annual meetings, and give due notice of the same; shall have power to employ and discharge all agents, employees and servants that may be deemed necessary and desirable for the vigorous prosecution of the business of said corporation.

SEC. 4. *Be it enacted*, That after the first year, the directors of the company shall be elected by the stockholders, at their annual meeting; but in case of a failure to elect a board of directors at the regular annual meeting, it shall not for that cause work a forfeiture of this charter; special meetings of said corporation may be called by order of the directors, thirty days' notice of the same being given in a newspaper published either in Athens or Knoxville, Tennessee, and also in a newspaper published in the city of New York; at all meetings of the corporation each share of stock shall entitle the holder to one vote either in person or by proxy.

SEC. 5. *Be it enacted*, That in case the directors shall declare a dividend of any of its assets, that shall Individual  
liability. ' disable the said corporation to pay its debts, each and every director shall be liable for such debts. To avoid such liability on the part of any director, he may cause to be entered on the minutes of the board, his dissent from such declaration of dividends; or if not present when the act is done, he may record, or cause to be recorded his dissent therefrom, within the space of sixty days after such dividend shall have been authorized. Directors may vote at meetings of the board by proxy; Quorum. but not less than two in person shall constitute a quorum for the transaction of business; and no vote shall be valid when only two directors are present in person, without the vote of at least four of the directors.

SEC. 6. *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER CCLXXXVIII.

AN ACT to incorporate the Davis Copper Company.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas I. Esterbrook, Marshall Sepoon, Lyman Denison, John Stanton, Henry Adams and Lyman W. Gilbert, are hereby constituted a body politic and corporate, by the name and style of the "Davis Copper Company," for the purpose of exploring and mining for copper, and other ores and minerals; and for working, smelting, manufacturing and vending the same; and to continue in existence to them and their successors for the period of ninety-nine years, with power to make and use a common seal, and to alter or change the same at pleasure; to make such by-laws not inconsistent with the laws of this State and of the United States, as it may deem useful and necessary for its government in its corporate name; to sue and be sued, to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *Provided*, always, that the first cost of such real estate shall not exceed the maximum amount of capital stock hereinafter provided for.

**SEC. 2.** *Be it enacted,* That the capital stock of said company shall not be less than two hundred thousand dollars, and not more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the corporators at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock. The stock to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company, in person or by attorney.

**SEC. 3.** *Be it enacted,* That the corporators named in the first section of this act shall be the directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At

each annual meeting a board of directors shall be chosen for the ensuing year; but in case of a failure to elect a board of directors, the charter of this company shall not be forfeited thereby; but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

Individual liability.

SEC. 4. *Be it enacted*, That all the stockholders not having paid for their stock according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be individually liable for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter, or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 5. *Be it enacted*, That the said company shall not contract any debts over and above the amount of capital stock paid in; no part of which shall be withdrawn, or in any way or manner diverted from the business of the company, without the consent of three-fourths in interest of the stockholders.

SEC. 6. *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,

*Speaker of the Senate.*

Passed February 28, 1854.

## CHAPTER CCLXXXIX.

AN ACT to incorporate the Methodist Church at Sulphur Spring Camp Ground in Jefferson County, Tennessee.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John W. Hart, Daniel Lyles, Isaac Lain, J. W. R. Moore, David Noah, L. D. Franklin, James Thompson, and their successors in office, be and they are hereby constituted a body politic, and corporate by the name and style of the Trustees of the Methodist Church, at Sulphur Spring Camp Ground, in Jefferson County, Tennessee, with power to sue and be sued, plead, and be impleaded, answer and be answered in all kinds of suits and actions, and to do and perform all other acts and things which bodies corporate may lawfully do.

SEC. 2. *Be it further enacted*, That the corporation <sup>Powers.</sup> shall have power to receive by gift, donation or purchase, and to hold personal, real and mixed property; to sell, exchange mortgage, or otherwise dispose of the same as in their judgment may best subserve the interest of the said Church.

SEC. 3. *Be it further enacted*, That said board shall have power to make all by-laws, rules and regulations <sup>By-laws.</sup> necessary for their own government to choose their own; officers in such manner as the said board shall prescribe; the mode in which their successors shall be chosen to fill vacancies, and to do such other acts and things as may be necessary and proper to the carrying out the objects of this corporation, provided none of their by-laws, rules and regulations be inconsistent with the Constitution and laws of this State.

SEC. 4. *Be it further enacted*, That three of said board of Trustees shall constitute a quorum to transact business.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER CCXC.

AN ACT to incorporate the Portersville Male and Female Academy, and the Tipton Male and Female Institute in Tipton County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Carrow, M. M. Dickson, C. W. Dickson, Banyan Payne, Robert Simonton, James R. Harper, William E. Elmore, Robert McDille, John Thompson, Robt. A Thompson, John McLellan, John Strong, William J. Strong, Alexander McCain, and John Wilson, in Tipton county, Tennessee, be and they are hereby constituted a body corporate and politic by the name of the Trustees of the Portersville Male and Female Academy, and shall have succession for ninety years, and be capable in Law or Equity to purchase and to receive, and to hold to themselves and their successors any lands, tenements, goods or chattels, which may be given, granted or devised to them, or purchased by them for the use and benefit of said Academy, and to receive and hold donations or legacies for the benefit of said Academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper, for the use and benefit of the Academy aforesaid, and the said Trustees and their successors by the name aforesaid may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

Officers.

SEC. 2. The Trustees aforesaid and their successors, shall have power to hold such meetings, at such times and places as they may think proper, to select one of their number President, Secretary or Treasurer, but not less than five of the said board of Trustees shall constitute a quorum to transact business relative to said Academy, and they shall have power to fill all vacancies that may occur in said board, by death, resignation or otherwise, and also should said Trustees fail, refuse or neglect to fill said vacancies as above specified, then, in that case, the patrons of said school shall have power, any time after such failure, to go forward and elect fifteen Trustees as successors, and they shall have all the rights and powers that are granted by this act to the above named Trustees.

SEC. 3. Said board of Trustees shall have power to appoint teachers, and to make such regulations relative to said Academy and the government thereof, and their own proceedings, as a majority of said board may deem

right and proper, provided, they are not inconsistent with the Constitution of the United States and of the State of Tennessee.

Sec. 4. *Be it further enacted,* That Louis Adams, Tipton Male J. H. Galbreath, O. D. Weaver, William Coward, W. A. and Female Institute. Turnage, J. D. Turnage, J. H. Han, Peter Townsend, Enos Lamb, M. H. Chambers, and D. H. Crenshaw, be and they are hereby created a body corporate and politic in law and in fact, by the name of Tipton Male and Female Institute, in Tipton county, Tennessee, with succession for ninety-nine years, with all the rights, powers, immunities, privileges, limitations and restrictions to them and their successors in office, as are conferred upon any other Academy in this State, but to be under the supervision and control of the "Tipton Masonic Lodge, No. 226," of said Tipton county, and in the same building which belongs to said Lodge. The said Trustees are to be elected on the second Saturday in December, annually, by the members of said Masonic Lodge, and to hold their office until other Trustees may be elected in their place, and be capable in law or equity to purchase and receive, and to hold to themselves and their successors any lands, tenements, goods or chattels, money or any other valuable consideration which may be given, granted or devised to them, or purchased by them, for the use and benefit of said Institute; and to receive and hold donations or legacies for the use and benefit of said Institute; and to appropriate use and dispose of the same, in such manner, as to them may seem proper for the use and benefit of the Institute aforesaid. The said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in this State or elsewhere.

Sec. 5: The Trustees of said Institute and their successors in office, shall have power to hold such meetings, at such times and places at they may think proper, to elect one of their number President, Secretary or Treasurer, but not less than six of the Trustees shall constitute a quorum for the transaction of business or to elect their officers; they shall have power to fill all vacancies that may occur in said board by death, resignation or otherwise, which may occur between the annual election of said Trustees by the members of said Lodge, No. 226. Power of trustees.

Sec. 6. The board of Trustees shall have power to appoint teachers, to make such regulations relative to said Institute and the government of the same, and their own proceedings, as a majority of a quorum of said

board may deem right and proper; *Provided*, they are not inconsistent with the Constitution of the United States and of the State of Tennessee.

Southern Commercial College of the city of Nashville.

SEC. 7. *Be it enacted as follows*, That H. Wires, practical accountant, be and he is hereby empowered to associate with him competent professors to fill the following chairs whenever the interest of the Institution demands it, to wit: one for double entry book keeping; one for commercial law; one for commercial calculation; and one for penmanship. Said association shall to all intents and purposes be, in law a body corporate; and they, their associates and successors, are hereby created, constituted and declared to be a body corporate and politic by the name and style of the "Southern Commercial College," of the city of Nashville, and by that name they may have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts and places whatsoever; that they and their successors may have a common seal and alter, change or break the same at will, and that they may be capable in law of acquiring, holding and conveying so much property, real, personal and mixed as may be necessary and requisite for the association in the furtherance of its objects, not exceeding, fifty thousand dollars.

SEC. 8. *Be it enacted*, That the said Wires, his associates and their successors, shall have the power to grant diplomas, award such degrees, confer such honors, and exercise all and singular the privileges common to commercial colleges authorized by law in other States.

President.

SEC. 9. *Be it enacted*, That the said Wires shall be the first President, he and his successors in the office of President, shall have the power to fill, suspend or vacate all or either of the above chairs at option, by serving a written notice upon the professor to be suspended or removed at least thirty days prior to such removal.

Board of Managers.

SEC. 10. *Be it enacted*, That the said President and professors shall constitute a board for the government of this institution, and that they and their successors shall have the power to make their own by-laws, *provided*, that nothing therein conflict with the laws of the land or the provisions of this act.

SEC. 11. *Be it enacted*, That this corporation, hereby created, shall continue so long as it faithfully observes the objects of its institution, but the General



Assembly, whenever satisfied that it has failed to pursue the above objects, may alter or repeal the same.

SEC. 12. *Be it enacted*, That an act passed in the year ——— entitled an act to incorporate the Fayette County Male Academy, be so amended as to change its name to the name of "The Somerville Model School for young Gentlemen," and that such change of name shall in no wise impair or prejudice its interest in the use and possession of any of its rights, privileges, emoluments or advantages now possessed or appertaining to the said Fayette County Male Academy. And in addition to the above, all the rights, powers, privileges and advantages, that pertain to and are defined in an act to incorporate the Somerville Female Institute in the acts of the Legislature, passed in the year 1849-50, chap. 57, sec. 14, be and the same are hereby conferred upon the Somerville Model School for Young Gentlemen, so far as the same are applicable.

Somerville  
Model School  
for young gentlemen.

SEC. 13. *Be it enacted*, That in addition to the means, property and rights of property now owned by said Male Academy, the Trustees of the same or a majority of the following named persons, John W. Harris, John C. Waddell, James A. Anderson, Philip B. Glenn, William Burton, Edwin Dickinson, E. S. Tappan, William B. Washington, and Josiah Higgason, a majority of whom are empowered to act, are authorized as Commissioners to open books for the subscription of Capital Stock, to an amount not exceeding fifty thousand dollars in shares of fifty dollars each, for the purpose of enlarging the Academy buildings, and for the construction of a Steward's Hall or other improvements to the advantage and advancement of said Model School. And whenever the sum of two thousand dollars shall be subscribed, and upon which ten per cent. of same shall have been paid in, a majority of the above named Commissioners, or the Trustees of said Academy, shall give notice for an election of nine Trustees in the town of Somerville, by publication in a newspaper or newspapers printed in said town, upon such time as they may designate, and the owners and holders of stock upon which ten per cent. has been paid, may be entitled to one vote for each share of stock; and forever after an annual election shall be held under such rules and regulations as the by-laws of said corporation may prescribe. And the stock subscribed shall be paid in instalments at such times and places, and in such amounts as the Trustees may require.

Commissioners

Somerville  
Model School  
for young la-  
dies.

SEC. 14. *Be it further enacted,* That an act to incorporate the Somerville Female Institute in the acts of the Legislature, passed in the years 1849-50, chap. 57, sec. 14, may be so amended as that its name be changed to the "Somerville Model School for Young Ladies," and that such change of name shall work no forfeiture or impair the rights, powers, privileges or advantages as have been conferred upon the Somerville Female Institute by said act. And that all subscribers for stock for the advancement of the said Model School, either for the main buildings, Steward's Hall or other improvements, shall be and are hereby placed upon an equal footing as if they had been original subscribers.

SEC. 15. *Be it enacted,* That it is entirely within the discretion of the original stockholders to adopt or reject the amendments as are made by these sections of this act.

Grand Division  
of the Sons  
of Temperance  
of East Ten-  
nessee.

SEC. 16. *Be it enacted,* That the present officers and members of the Grand Division of the Sons of Temperance of East Tennessee and their successors, be and they are hereby incorporated a body politic and corporate, by the name and style of the "Grand Division of the Sons of Temperance of East Tennessee," and by that name may sue and be sued, plead and be impleaded, have and use a common seal, hold and enjoy as much real estate as may be necessary for the purposes of their organization, adopt such rules and regulations for the government of said division as may not be inconsistent with the Constitution and laws of the State, and have all other powers, privileges and franchises necessary and proper to be enjoyed by said corporation for the effectual attainment of the ends contemplated by said body politic.

Temperance  
High School.

SEC. 17. *Be it enacted,* That William Homer, James B. Henry, B. L. Warren, Daniel Lyon, R. M. McPherson, Samuel B. Briggs, W. G. Brownlow, James Atkins, and James H. Rowland. and their successors, be and they are hereby constituted Trustees of the "Tennessee High School" at Knoxville.

SEC. 18. *Be it enacted,* That said "Temperance High School" through the Trustees' aforesaid and their successors, be and the same is hereby incorporated by the name and style aforesaid, and by that name may sue and be sued, hold and enjoy all necessary real estate for the successful and effectual management of said school, have a common seal, confer all degrees usually conferred by any institution of learning in this

State, and have all other powers and privileges necessary and proper to be enjoyed by said "Temperance High School" to secure the attainment of the ends proposed by said body politic, *provided*, the same are not inconsistent with the Constitution and laws of this State.

SEC. 19. *Be it enacted*, That the Trustees of said School may from time to time increase or diminish their number as they may desire, may select such officers as they may desire, may fill vacancies in their body, and may adopt such rules and regulations for their government and of the school under their charge as they may deem necessary and proper.

SEC. 20. *Be it further enacted*, That J. W. Little, James Adams, W. S. Cloyd, D. H. White, Isaac W. Drake, P. F. Gould, and V. S. Allen, be and they are hereby constituted a body corporate and politic, by the name of the Trustees of Waverly Female Academy, and shall have perpetual succession, and be capable in law or equity, to purchase, receive and hold to themselves and their successors any lands, tenements, goods, or chattels, which may be given, granted or devised to them, or purchased by them for the use and benefit of said Academy, and to appropriate, use or dispose of the same in such manner as to them may seem fit and proper for the use and benefit of said Academy; and the said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any of the Courts of law or equity in this State.

SEC. 21. *Be it enacted*, That the Trustees aforesaid and their successors, shall have power to hold such meetings, at such times and places as they may think fit and proper, to elect one of their number President, and a Secretary and Treasurer of said board, and to fill vacancies, when such may occur by death, resignation, removal or otherwise, but not less than a majority of said Trustees shall constitute a board to do business.

SEC. 22. *Be it enacted*, That said board of Trustees, shall have power to make all regulations necessary for the government of said Academy, not inconsistent with the Constitution and laws of this State.

SEC. 23. *Be it enacted*, That John Reaves, Richard Rogers, A. M. Lambeth, A. T. Stricklin, Robert Rankin, and their successors in office, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Trustees of Enon Academy,"—said academy to be located in the south east

portion of the county of Hardeman, and that the said trustees and their successors shall have perpetual succession, and be capable, in law or equity, to sue or be sued, plead or be impleaded, in any of the courts of this State or elsewhere; and the said trustees by the name aforesaid shall be capable, in law or otherwise, to purchase, hold and receive to themselves and successors any lands, tenements, goods or chattels, for the benefit of said academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of said academy.

SEC. 24. *Be it further enacted*, That the said trustees and their successors shall have power to hold such meetings, at such times and places as may be agreed upon from time to time by a majority of the board, to elect a President, Secretary and Treasurer, out of their own number, and to fill vacancies, when such may occur by death, resignation, removal or otherwise; but not less than a majority of said trustees shall constitute a quorum to transact business.

SEC. 25. *Be it further enacted*, That said board of trustees shall have power to make such regulations relative to said academy, and the government thereof, and their own proceedings, as a majority may deem right and proper, *provided*, they be not inconsistent with the constitution and laws of this State.

SEC. 26. *Be it further enacted*, That Joseph A. Mabry, Joseph H. Walker, A. L. Maxwell, O. P. Temple, M. Nelson, J. C. Moses, Wm. H. Montgomery, Wm. G. Swan, Jacob Newman, A. G. Jackson, M. Hillsman, and M. W. Williams, be, and they are hereby, appointed and constituted additional trustees of the East Tennessee University at Knoxville, with all the powers and privileges enjoyed by the trustees heretofore appointed for said institution.

YORKVILLE Aca- SEC. 27. *Be it further enacted*, That A. S. Under-  
demy. wood, James T. Bone, N. H. Corley, B. E. Holmes and M. Whitten, be, and they are hereby, constituted a body corporate and politic, by the name of the "Trustees of Yorkville Academy," and shall have perpetual succession, and be capable, in law or equity, to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattels, which may be given, granted or devised to them, or purchased by them, for the use and benefit of said academy, and to appropriate, use or dispose of, the same in such manner as to

them may seem fit and proper for the use and benefit of said academy; and the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any of the courts of law or equity in this State.

SEC. 28. *Be it enacted*, That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as they may think fit and proper, to elect from their number a President, Secretary and Treasurer of their board, and to fill vacancies, when such may occur by death, resignation, removal or otherwise; but not less than a majority of said trustees shall constitute a board to do business.

SEC. 29. *Be it enacted*, That said board of trustees shall have power to make all regulations necessary for the government of said academy, not inconsistent with the constitution and laws of this State.

SEC. 30. *Be it further enacted*, That J. D. Hill, J. D. McDowell, Lewis Wade, P. P. Elliott, B. F. Harris, Nathaniel Pybass and R. E. Buffum, be incorporated as a body politic as Trustees of Trenton Female Academy, with powers to demand and receive, sue for and recover, all monies, choses in action, and all the estate and effects, either real or personal, of any kind rightfully belonging to said academy, under its former organization, and to dispose of the same in such manner as in their judgment may best promote the objects of female education at Trenton, and to carry out the purposes for which the said academy was originally incorporated.

Trenton Female Academy.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed March 1, 1854.

## CHAPTER CCXCI.

AN ACT to incorporate the United Cobre Mining Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, as follows,* That Thomas Hemwood William A. Thomson, Daniel F. Pelkington, H. B. Tibbets, and William Warne, and their associates and successors are hereby constituted a body politic and corporate by the name of the "United Cobre Mining Company," for the purpose of exploring for copper, lead, iron, gold, coal, and other ores, metals, and minerals, and for mining, working, smelting and vending the same and for other purposes; may erect all necessary buildings and other apparatus and fixtures for carrying on their operations, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity, in all suits and actions may have a common seal, and the same alter or renew at pleasure and may enjoy all the privileges incident to corporations, and may purchase, hold, mortgage, transfer, and convey any real and personal estate.

SEC. 2. That the first meeting of said corporation Powers of Board. may be called by the persons named in this act, or a majority of them, at such time and place as they may select, and at such meeting a board of directors shall be chosen from among the stockholders present at such meeting, and such board of directors shall take charge of the operation of the Company subject to such rules and regulations as may be adopted by the stockholders; that such directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the Company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the Constitution and laws of the United States, and of this State.

SEC. 3. That the directors shall cause a Book to be kept containing the names of all persons who are Stockholders of said company, showing their place of residence and the number of shares of stock held by each respectively, and the time when they become respectively the owners of said shares, and the amount of stock actually paid in, which book shall during the usual hour of each secular day, be opened at the place of business of said Company, for the inspection of the Stockholders Shall keep a book.

and creditors of said Company and their representatives.

SEC. 4. That the said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof in such manner and form as they may deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in said mines in such manner as their by-laws may direct. May divide stock.

SEC. 5. That the said corporation shall not contract debts until the sum of thirty thousand dollars of the capital is paid in, no part of which shall be withdrawn, or in any manner be diverted from the business of the Company, and shall not contract debts at any time to an amount exceeding the capital stock of said Company.

SEC. 6. This act shall take effect from and after its passage.

W. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER CCXCII.

AN ACT incorporating Eagle Copper Smelting and Mining Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Daniel F. Pilkington, A. Willington Hart, Stephen Barden and William Warne, their associates and successors, are hereby constituted a body politic and corporate by the name of the "Eagle Copper Smelting and Mining Company," for the purpose of smelting copper, lead, zinc, and iron ores, and for the purpose also of exploring for copper, lead, zinc, iron, coal, and other ores, metals and minerals, and for mining, working, smelting, purchasing and vending the same, and for such purposes may erect all necessary buildings and other apparatus and fixtures for carrying on their smelting and mining operations, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity in all suits and actions; may have a common*

seal, and the same alter and renew at pleasure, and may enjoy all the privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey any real and personal estate.

**First Meeting.** SEC. 2. *Be it enacted,* That the first meeting of said corporation may be called by the persons named in this act, or a majority of them, at such time and place as they may select, and at such meeting a board of directors shall be chosen from among the stockholders by the votes of a majority of the stockholders present at such meeting, and such board of directors shall take charge of the operations of the Company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold office for one year, or until their successors are appointed; and may adopt such by-laws and regulations for the government of the concerns of the Company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the Constitution and laws of the United States, and of this State.

**Shall keep  
book.**

SEC. 3. *Be it enacted,* That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said Company, showing their place of residence and the number of shares of stock held by each respectively, and the time when they become respectively the owners of said shares, and the amount of stock actually paid in, which book shall during the usual hour of each secular day be opened at the place of business of said Company for the inspection of the stockholders and creditors of the said Company and their representatives.

**May divide  
stock.**

SEC. 4. *Be it enacted,* That the said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof, in such manner and form as they may deem expedient; and may levy and collect assessments; forfeit and sell delinquent shares; declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct.

SEC. 5. *Be it enacted,* That the said corporation shall not contract debts until the sum of fifty thousand dollars of the capital is paid in; no part of which shall be withdrawn or in any manner be diverted from the business of the Company; and shall not contract debts at any time to an amount exceeding the capital stock of the said Company.

SEC. 6. *Be it enacted.* That this act shall take effect from and after its passage.



**SEC. 7.** *Be it further enacted by the General Assembly of the State of Tennessee,* That Stephen Borden, W. A. Thompson, and E. P. McGinty, their successors and associates are hereby constituted a body politic and corporate by the name of the "Phoenix Mining Company," for the purpose of mining and working copper, lead, zinc, and iron ores, and coal, or any other minerals, metals or ores, and also for exploring for and purchasing and vending the same, and for such purposes they may erect all necessary buildings, apparatus and fixtures for carrying on their mining operations, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity in all suits or actions, and have a common seal, and the same alter or renew at pleasure, and may enjoy privileges incident to corporations, and may purchase, hold, mortgage, transfer and convey real and personal estate.

Phoenix Mining Company.

**SEC. 8.** That the first meeting of said corporation may be called by the persons named in this act, or a majority of them at such time and place as they may select, and at such meeting a board of directors shall be chosen from among the stockholders present, in person or by proxy at such meeting, and such board of directors shall take charge of the operations of the Company, subject to such rules and regulations as may be adopted by the stockholders: that said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the Company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the Constitution and laws of the United States and of this State.

First meeting.

**SEC. 9.** That the directors shall cause a book to be kept containing the names of all persons who are stockholders in said Company, showing their places of residence and the number of shares of stock held by each respectively, and the time when they become respectively the owners of said shares and the amount of stock actually paid in, which book shall during the usual business hours of each secular day be open at the place of business of said Company, for the inspection of the stockholders and creditors of said Company and their representatives.

Shall keep a book.

**SEC. 10.** That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and

form as they may deem expedient, and may levy and collect assessments, forfeit, and sell the shares of delinquent stockholders, declare and pay dividends on the shares in said mines in such manner as their by-laws may direct.

SEC. 11. That the said corporation shall not contract debts until the sum of thirty thousand dollars of the capital shall be paid in, no part of which shall be withdrawn or in any manner diverted from the business of the Company, and shall not contract debts at any time to an amount exceeding the capital stock of said Company.

SEC. 12. This act shall take effect from and after its passage.

W. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed February 28, 1854.

## CHAPTER CCXXIII.

AN ACT to incorporate the Jasper Mining and Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Volney S. Stevenson, John Haley, and their associates, are hereby constituted a body politic and corporate by the name of The Jasper Mining and manufacturing Company, to continue and have succession in perpetuity, for all the purposes set forth in the Tullahoma Mining and Manufacturing Company, passed January 23d, 1852.

SEC. 2. *Be it enacted*, That the Jasper Mining and Manufacturing Company shall have, possess and enjoy all the privileges and advantages granted in the charter of the said Tullahoma Mining and Manufacturing Company, and shall be governed by all the restrictions and prohibitions in said charter.

SEC. 3. *Be it further enacted*, That John H. Crozier, William M. Churchwell, William P. Elliott, Joseph L. King, Mathew Nelson, John Parker, A. M. Piper, and James C. Luttrell, be appointed commissioners, any two or more of whom may open books, at any time

Knoxville Gas-  
light Compa-  
ny.

and place they may choose, to receive subscriptions to the capital stock of the Knoxville Gas-light Company; and whenever, in their judgment, a sufficiency of said stock shall have been subscribed, the subscribers may organize and become a body corporate and politic by the name and style of the "Knoxville Gas-light Company," for the purpose of erecting works and furnishing gas to light the city of Knoxville; and whenever so organized under the name aforesaid, shall have the power to increase their capital stock to any amount they may desire for said purpose, to be taken in shares of fifty dollars each; and for the purpose of carrying out the object aforesaid, the said company are hereby invested with all the powers, privileges, rights, protections and immunities, and liable to all the restrictions and liabilities conferred and imposed upon the Nashville Gas-light Company, by an act passed on the 21st day of November, 1849, entitled "an act to authorize the establishment of the Nashville Gas-light Company," so far as the same are not inconsistent with the provisions of this act.

SEC. 4. *Be it further enacted*, That the corporate authorities of the city of Knoxville may subscribe, at their discretion, to the capital stock of said company, and that said company may have a period of five years in which to complete the purposes of this charter.

SEC. 5. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate is hereby authorized under the name and style of the "Somerville Manufacturing Company," for the purpose of manufacturing goods and articles from cotton, wool, and other texible materials, which when formed by said name may sue and be sued, implead and be impleaded, to hold by purchase or otherwise, and convey and dispose of the same any real or personal estate, which may be useful and necessary for carrying the objects for which it was created or which it may become possessed of in payment of debts to it, in whole or part, shall have succession for ninety-nine years; have and use a common seal, and alter or destroy the same at pleasure; make by-laws not inconsistent with the Constitution and laws of this State, and in general to do and transact all things that other bodies politic and corporate may do by the laws of this State.

SEC. 6. *Be it enacted*, That the capital stock of said Company shall not exceed fifty thousand dollars, to be divided in shares of fifty dollars each, which shall be considered as personal property, shall be transferable

only with the consent of a majority of the board of directors, unless the whole amount of such stock shall have been previously paid up in full, nor whilst the transferring stockholder is in any wise indebted to the Company.

**Commissioners** SEC. 7. *Be it enacted*, That E. S. Tappan, Jos. R. Mosby, Edwin Dickinson, J. Higgason, John W. Harris, P. B. Glenn, J. C. Waddell, and John D. Goodall, are hereby appointed Commissioners, who or any three or more of whom, after having given ten days' notice of the time and place, or times and places for so doing, shall open books for subscription. And when the amount of three thousand dollars shall have been subscribed, the Commissioners shall declare the same, and by notice given by publication in one or more newspapers in the town of Somerville by said Commissioners, the stockholders may proceed to elect from their own body a board of directors, each share owned entitling its owner to one vote in all elections by the stockholders, who may vote either in person or by proxy upon written authority for said board of directors, or on any question submitted to a meeting of them. The said board of directors shall consist of seven in number, one of whom shall be elected President, and they shall hold their offices for the term of one year or until their successors shall be elected and installed, *provided* a failure to elect on the day appointed shall in no wise work a forfeiture of this charter. And further *provided*, that no stockholder shall be entitled to vote who may be in arrears of calls previously made on stock owned by him. That said President and Directors shall elect, appoint, or employ all other officers, agents, managers, &c., necessary for contracting the affairs of said corporation, and fix their compensation, and do on behalf of the Company all other acts that are incidental to such bodies. The said directors causing to be kept regular minutes of all their proceedings, which shall at all times be open to the inspection of any stockholder.

W. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed March 2, 1854.

## CHAPTER CCXCIV.

AN ACT to incorporate the Etna Mining and Manufacturing Company,  
and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body corporate and politic is hereby established, by the name and style of the "Etna Mining and Manufacturing Company," for the purpose of mining and vending stone coal and other minerals, smelting and manufacturing the same, and engaging in any other branch of manufacturing, which said company may see fit to engage in; and that the said company is empowered to make and use a common seal; to change it at pleasure; to make such by-laws, not inconsistent with the laws of this State or of the United States, as are necessary and useful; to sue and be sued; to have succession; to hold by purchase or otherwise, and to dispose of the same, any real estate or personal property which may be convenient or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it, in whole or in part, or otherwise purchased; *Provided, nevertheless*, that the real estate so held shall at no time exceed double the maximum amount of its capital stock hereinafter provided.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, and shall consist of not less than two hundred shares and not more than five thousand shares, transferable only on the books of the company, and then only with the consent of the board of directors, unless the full amount of such shares shall have been paid. The company shall have power to declare forfeited to it any stock upon which the installments called for remain unpaid in whole or in part, or it may at its option, sue for and recover the unpaid amount before any tribunal having jurisdiction of such sums, first, however, having given thirty days' notice of such call having been made; said company shall have power to transact its business at one or more points as may be deemed expedient.

SEC. 3. *Be it enacted*, That the officers of said company shall consist of five directors, who, together with a president by them elected from their own body, shall manage its own affairs. The said directors shall be elected by the stockholders, each stockholder being en-

titled to one vote for every share of stock he may hold: said stockholders may vote either in person or by proxy. The directors shall hold their office for one year, and until their successors shall have been elected, and may fill all vacancies which may occur in their own body.

**Commissioners** SEC. 4. *Be it enacted*, That Robert Cravins, David Rankins, Erasmus Alley, Ker Boyce and James A. Whiteside are hereby appointed commissioners, who, or a majority of whom, may open books at such times and places as they may think proper, and receive subscription of stock on such terms as to time of payment as they may deem expedient, and when the number of two hundred shares have been subscribed, or any greater number, the said commissioners shall, after due notice, proceed to hold an election for directors of the company; should there be a less number of shares subscribed than the maximum number provided in the second section of this act, the company, when organized, may increase the same to that or a less number in such manner as it shall seem proper. The capital stock and property of said company shall be held and considered as personal property in law.

**Railroads.** SEC. 5. *Be it enacted*, That said company shall have power to construct and open such railroads or other roads or ways as they may deem advisable for facilitating their business to a connection with the Nashville and Chattanooga railroad or the Tennessee river.

**Memphis and Charleston R. Company.** SEC. 6. *Be it enacted*, That the charter heretofore granted to the Memphis and Charleston railroad company be so amended that the said company shall exercise the same authority and have the same jurisdiction over the branch of said road leading from Moscow in Fayette county, to Sommerville, that said company now has and exercise over the main trunk of said road, and that said company have the same right to obtain the right of way on said branch, and the same remedies be given as are given for obtaining the right of way on the main trunk.

SEC. 7. *Be it further enacted*, That the said Memphis and Charleston railroad company shall have the right to extend branches fifty miles in length on either side of the main trunk of their road.

**Associations for manufacturing purposes.** SEC. 8. *Be it enacted*, That it shall be lawful for any number of persons exceeding four, to associate themselves into a company to carry on any branch or branches of lawful manufactures within this State, upon making a certificate in writing, under their hands and seals, setting forth—

1. The name assumed to designate such company, and to be used in its business and dealings.

2. The place or places where the business of such company is to be conducted, and the kind or branch of manufactures to be carried on thereat.

3. The total amount of the capital stock of such company, the amount with which they will commence business, and the number of shares into which the same is divided.

4. The names and residences of the stockholders, and the number of shares held by each.

5. The periods at which such company shall commence and terminate.

*Certificate to be recorded.* Which certificate shall be proved or acknowledged, and recorded in a book to be kept for that purpose, in the office of the clerk of the county where the office or place of business of such company shall be established; and after being so recorded, shall be deposited and filed in the office of the Secretary of the State.

*Sec. 2. And be it enacted,* That the said certificate or copies thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places, for and against any such company.

*Sec. 3. And be it enacted,* That upon making said certificate, and causing the same to be recorded and filed as aforesaid, the said persons so associating, their successors and assigns, shall be from the time of commencement, fixed in said certificate, and until the time limited therein for the termination thereof, incorporated into a company by the name mentioned in said certificate; *Provided,* the legislature may at pleasure dissolve any company created by virtue of this act.

*Sec. 4. And be it enacted,* That all companies that may be hereafter established within this State under the provisions of this act, and also the officers of every such company, and the stockholders therein, may exercise the powers, and shall be governed by the provisions, and be subject to the liabilities hereinafter provided.

*Sec. 5. And be it enacted,* That every such company shall have power in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and may have a common seal, and change, alter and renew the same at pleasure; and by its corporate name shall in law be capable of buying, shall have corporate powers.

holding and conveying any lands, tenements, hereditaments, goods, wares and merchandize whatsoever, necessary or useful for said company to carry on their manufacturing operations, and all other real estate which shall have been bona fide mortgaged to the said company by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealings, or purchased at sales upon judgments or decrees which shall be obtained for such debts; *Provided, always*, that no part of the funds of such company shall be used or employed at any time in banking operations, or for any other purpose inconsistent with the provisions of this act.

SEC. 6. *And be it enacted*, That the business of every such manufacturing company shall be managed and conducted by the president and directors thereof, and such other officers, agents and factors as the company shall think proper to authorize for that purpose, and every such company shall have a secretary and treasurer.

SEC. 7. *And be it enacted*, That the directors shall not be less than three in number, and they shall be chosen annually by the stockholders, at such time and place as shall be provided by the by-laws of the company, and shall hold their office for one year, and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, either by the directors or by the company, as shall be directed by the by-laws.

SEC. 8. *And be it enacted*, That the secretary and treasurer shall be chosen annually, either by the directors or the stockholders as the by-laws may direct, and shall hold their office until others are chosen and qualified in their stead. The secretary shall be sworn to the faithful discharge of his duty, and shall record all the votes of the company and directors in a book to be kept for that purpose, and perform such other duties as shall be assigned him; and the treasurer shall give bond in such sum and with such securities as shall be required by the by-laws, for the faithful discharge of his duties.

SEC. 9. *And be it enacted*, That all other officers and agents and factors of the company shall be chosen in such manner, and hold their offices for such terms as shall be directed by the by-laws.

SEC. 10. *And be it enacted*, That every such company may make by-laws for their own regulation and government, with penalties for the breach thereof not exceeding twenty dollars; *Provided*, that such by-laws shall not be repugnant to the provisions of this act, or



to the constitution and laws of this State or of the United States.

**Sec. 11.** *And be it enacted,* That at all meetings of the company absent stockholders may vote by proxy, authorized in writing; and every company may determine by its by-laws the manner of calling and conducting all meetings; what number of shares shall entitle the stockholders to one or more votes. What number of stockholders shall attend either in person or by proxy, or what number of shares or amount of interest shall be represented at any meeting, in order to constitute a quorum, and if the quorum shall not be so determined by the company, a majority of the stockholders in interest shall constitute a quorum.

**Sec. 12.** *And be it enacted,* That the first meeting of every such company shall be called by a notice signed by a majority of the persons named in the before mentioned certificate, and designating the time, place and purposes of the meeting, and such notice shall, two weeks at least before the time of such meeting, be published in some newspaper of the county where the corporation may be established, or if there be no newspaper in the county, then in a newspaper of an adjoining county.

**Sec. 13.** *And be it enacted,* That every stockholder shall have a certificate under the seal of the corporation and signed by the treasurer certifying his property in such shares as shall be expressed in the certificate.

**Sec. 14.** *And be it enacted,* That every such company may at any meeting called for that purpose, increase its capital stock, and the number of shares therein; *Provided,* that the stock when so increased shall not exceed the total amount fixed in the original certificate.

**Sec. 15.** *And be it enacted,* That the shares of stock in every such company shall be deemed personal property, and shall be transferable on the books of such company in such manner as the by-laws may provide, and whenever any transfer of shares shall be made for collateral security, and not absolutely, the same shall be so expressed in the entry of said transfer.

**Sec. 16.** *And be it enacted,* That every such company may from time to time at any legal meeting called for that purpose, assess upon each share such sums of money as two-thirds of the stockholders in interest shall direct, not exceeding in the whole the amount at which each share shall be originally limited, under the third article of the first section of this act, and such sums so assess-

ed shall be paid to the treasurer at such times and by such installments as the directors shall direct, said directors having given thirty days' notice of the time and place of such payment in a newspaper circulating in the county where such company is established.

SEC. 17. *And be it enacted*, That if the owner or owners of any share or shares, shall neglect to pay any sum or sums duly assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the treasurer of the company may sell at public auction, such number of the shares of such delinquent owner or owners as will pay all assessments then due from him or them, with interest, and all necessary incidental charges; *Provided*, two-thirds of the stockholders in interest shall so direct.

SEC. 18. *And be it enacted*, That the treasurer shall give notice of the time and place appointed for such sale, and of the sum due on each share, by advertising the same three weeks successively before the sale, in some newspaper circulating in the county where such company is established, and shall transfer such to the purchaser, who shall be entitled to a certificate therefor.

SEC. 19. *And be it enacted*, That all the stockholders of every manufacturing company established under this act, shall be jointly and severally liable for all debts and contracts made by such company, until the amount of capital stock from time to time fixed and limited by the company in the manner aforesaid, shall have been paid in and a certificate thereof shall have been made and recorded in the clerks office, and published as prescribed in the following section.

SEC. 20. *And be it enacted*, That the president and directors, with the secretary and treasurer of each company, within thirty days after the payment of the last instalment of the capital stock so fixed and limited by the company, shall make a certificate stating the amount of the capital so fixed and paid in; which certificate shall be signed and sworn or affirmed to be by the president, secretary and treasurer, and a majority of the directors; and they shall within the said thirty days, cause the same to be recorded in a book to be kept for that purpose in the office of the clerk of the county wherein the manufactory is established, and also to be published for three weeks in a newspaper circulating in said county.

SEC. 21. *And be it enacted*, That if any of the said companies shall increase their capital stock as before provided in this act, the officers mentioned in the prece-

ding section, within thirty days after the payment of the last instalment of such additional stock, shall make a certificate of the amount so added and paid in, and sign and swear or affirm to the same, and cause it to be recorded and published in the manner provided in the preceding section.

SEC. 22. *And be it enacted*, That if any of the said officers shall neglect or refuse to perform the duties required of them in the two preceding sections, they shall be jointly and severally liable for all debts of the company contracted after the expiration of the said thirty days, and before such certificate shall be recorded as aforesaid.

SEC. 23. *And be it enacted*, That every such company may, by a vote at any meeting called for that purpose, reduce its capital stock; and in such case a certified copy of the vote shall, within thirty days after the passing thereof, be recorded in the same book in the clerk's office for the county wherein the manufactory is established, and published for three weeks in a newspaper circulating in said county; and in default thereof, the directors of the company shall be jointly and severally liable for all debts of the company contracted after said thirty days, and before the recording of the copy of the vote as aforesaid.

SEC. 24. *And be it enacted*, That if any part of the capital stock of said company shall be withdrawn and refunded to the stockholders before the payment of all the debts of the company, contracted previously to the recording and publishing of a copy of a vote for that purpose, as prescribed in the preceding section, all the stockholders of the company shall be jointly and severally liable for the payment of the said last mentioned debts.

SEC. 25. *And be it enacted*, That every such company shall give notice in the month of January, annually, in some newspaper circulating in the county where the manufactory is established, of the amount of stock actually paid in, and the amount of existing debts, and amount of all the assets of said company deemed good; which notice shall be signed by the president and a majority of the directors, and verified by their oaths or affirmations; and if any of the said companies shall fail so to do, all the stockholders of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such notice shall be given.

SEC. 26. *And be it enacted*, That if the directors of

any such company shall declare and pay any dividend when the company is unable to pay its debts, or any dividend, the payment of which would render it so unable, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office; *Provided*, that the amount for which they shall be so liable, shall not exceed the amount of such dividend; and that if any of the directors shall be absent at the time of making the dividend, or shall object thereto, and in case of being so absent, or so objecting, shall file their objection in writing with the secretary of the company, and publish the same in a newspaper circulating in the county wherein the said company is located, such directors shall be exempted from the said liability,

SEC. 27. *And be it enacted*, That no note or obligation given by any stockholder, whether secured by any pledge or otherwise, shall be considered as payment of any part of the capital stock, and no loan of money shall be made to a stockholder therein; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest for all the debts of the company contracted before the repayment of the sum so loaned.

SEC. 28. *And be it enacted*, That the whole amount of the debts which any such company shall at any time owe, shall not exceed the amount of its capital stock actually paid in; and in case of any excess, the directors under whose administration it shall happen, shall be jointly and severally liable to the extent of such excess, for all the debts of the company then existing, and for all that shall be contracted so long as they shall respectively be in office, until the debts shall be reduced to the said amount of the capital stock; *Provided*, that any of the directors who shall be absent at the time of contracting any debt contrary to the foregoing provisions, or who being present shall object thereto, may exempt themselves from said liability, by forthwith giving notice of the fact to the stockholders at a meeting which they may call for that purpose.

SEC. 29. *And be it enacted*, That every corporation created under the provisions of this act, shall have the office of its secretary, together with its records and papers, at some place within this State.

SEC. 30. *And be it enacted*, That parol contracts may be binding on any company created under the provisions

of this act, if made by an agent duly authorized by a corporate vote, or under the general regulations of the company : and contracts may be implied on the part of such corporation from their corporate acts, or those of an agent, whose powers are of a general character.

**SEC. 31.** *And be it enacted,* That whenever, for want of sufficient by-laws for the purpose, or of officers duly authorized, or from the improper neglect or refusal of such officers, or from other legal impediments, a legal meeting of any company cannot be otherwise called, three or more stockholders thereof, may call a meeting of the company by giving ten days' notice thereof in a newspaper circulating in the county, and such meeting, so called, shall be a legal meeting of the company; and if there be no officers of the company present, whose duty it is to preside at said meeting, the stockholders present may elect officers for the meeting ; and it shall be the duty of the secretary of the company to record the proceedings of such meeting in the book of minutes of the company.

**SEC. 32.** *And be it enacted,* That if any certificate made, or any public notice given by the officers of any manufacturing company in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, shall be jointly and severally liable for all the debts of the company contracted while they were stockholders or officers thereof.

**SEC. 33.** *And be it enacted,* That when any of the officers of any manufacturing company shall be liable by the provisions of this act, to pay the debts of such company, or any part thereof, any person to whom they shall be so liable, may have an action on the case against any one or more of the said officers, and the declaration in such action shall state the claim against the company, and the ground on which the plaintiffs expect to charge the defendants personally, and such action may be brought notwithstanding the pendency of an action against the company for the recovery of the same claim or demand, and both of the said actions may be prosecuted until the plaintiff shall obtain payment of his debt and the costs of both actions.

**SEC. 34.** *And be it enacted,* That when any of the said officers or stockholders are liable as mentioned in this act, for the debts of any such company, or any part thereof, the person to whom they are so liable, may, instead of the proceeding mentioned in this act, have

his remedy against the said officers or stockholders, by a bill in chancery.

SEC. 35. *And be it enacted*, That any stockholder who shall, whether voluntarily or by compulsion, pay any debt of the company, for which he is made liable by this provision of this act, may recover the amount so paid, in action on the case against the company, in which action the property of the company only shall be liable to be taken, and not the property of any stockholder of the company, or the stockholder who shall have so paid such debt of the company, may file a bill in the court of chancery, for contribution against any one or more of the stockholders who were originally liable with him for the payment of the said debts, and may recover against such of them their just equitable proportion thereof according to the number of their shares.

SEC. 36. *And be it enacted*, That any officer of a manufacturing company, who shall pay any debt of the company for which he is made liable by the provisions of this act, may recover the amount so paid, in an action against the company for money paid for their use, in which action the property of the company only, shall be liable to be taken, and not the property of any stockholder.

SEC. 37. *And be it enacted*. That every agent or other person having charge of any property of such company on request of any public officer having for service a writ of execution against such company, shall furnish the names of the directors, stockholders and secretary thereof, and a schedule of all its property, including debts due or to become due to such company so far as he may have knowledge of the same.

SEC. 38. *And be it enacted*, That if any such officer, holding an execution, shall be unable to find other property belonging to such company liable to execution, he or the judgment creditor may elect to satisfy such execution in whole or in part, by any debts due such company not exceeding the amount thereof, and it shall be the duty of any agent or other person having the custody of any evidence of such debt to deliver the same to the officer for the use of the creditor, and such delivery with a transfer to the officer, in writing, for the use of the creditor, and notice to the debtor shall be a valid assignment thereof, and such creditor may sue for and collect the same in the name of such company, subject to such equitable set offs on the part of the debtor as may be in other assignments.

**SEC. 39.** *And be it enacted,* That every such agent or other person who shall neglect or refuse to comply with the provisions of the two preceding sections, shall be himself liable to pay to the execution creditor the amount due on said execution with costs.

**SEC. 40.** *And be it enacted,* That no person holding stock in any manufacturing company as executors, administrators, guardians or trustees, and no person holding such stock as collateral security, shall be personally subject to any liabilities as stockholders of such company; but the person pledging such stock shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executors, administrators, guardians and trustees, shall be liable in their hands in like manner and to the same extent as the deceased testator or intestate, or the ward or person interested in such trust fund would have been if they had respectively been living and competent to act, and had held the same stock in their own names.

**SEC. 41.** *And be it enacted,* That every such executor, administrator, guardian and trustee shall represent the share or stock in his hands at all meetings of the company, and may vote accordingly as a stockholder; and every person who shall pledge his stock as aforesaid, may, nevertheless, represent the same at all such meetings, and may vote accordingly as a stockholder.

**SEC. 42.** *And be it enacted,* That all corporations created under the provisions of this act, which shall expire by their own limitations, or shall be annulled by the legislature, or otherwise, shall, nevertheless, be continued bodies corporate for the term of three years after the time when they would have been so dissolved, for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock, but not for the purpose of continuing the business for which such corporation may be established.

**SEC. 43.** *And be it enacted,* That when any such company shall be dissolved as mentioned in the preceding section, the chancellor, on application of any creditor or stockholder of such corporation, at any time within the said three years, may appoint one or more persons, to be receivers of and for such corporation; to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the company, with power to prosecute and defend in the name of the corporation or otherwise, all such suits as may be

necessary or proper for the purposes aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by such corporation if in being, that may be necessary for the final settlement of the unfinished business of the corporation; and the powers of such receivers may be continued beyond the said three years, and as long as the chancellor shall think necessary for the purposes aforesaid.

SEC. 44. *And be it enacted*, That the chancellor shall have jurisdiction of said application, and of all questions arising in the proceedings thereon, and may make such orders, injunctions and decrees therein, as justice and equity shall require.

SEC. 45. *And be it enacted*, That the said receivers shall pay all debts due from the corporation, if the funds in their hands shall be sufficient therefor; and if not, they shall distribute the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the court for that purpose; and if there shall be any balance remaining after the payment of said debts, the receivers shall distribute and pay the same to, and among those who shall be justly entitled thereto as having been stockholders of the corporation, or their legal representatives.

SEC. 46. *And be it enacted*, That the provisions contained in this act may be amended or repealed at the pleasure of the legislature, and every company created under this act shall be bound by such amendments; but such amendments to repeal shall not take away or impair any remedy against such corporation, its officers or stockholders, for any liability which shall have been previously incurred.

SEC. 47. *And be it enacted*, That on the final dissolution of any corporation created under this act, all its real and personal estate not legally disposed of, shall be vested in the individuals who may be stockholders at the time of such dissolution, in their respective proportions; and they shall hold the same as tenants or owners in common.

SEC. 48. *And be it enacted*, That this act shall take effect immediately.

SEC. 49. *Be it enacted*, That John W. Baker, George Morris, O. S. Galbraith, E. P. Connel, S. C. Bowers and

Mansker's  
Creek Mining  
and Manufac-  
turing Co.

their associates, of the county of Davidson, be, and they are hereby constituted a body politic and corporate, under the name and style of the "Mansker Creek Mining and Manufacturing Company," with all the rights, pow-



ers and immunities hereby granted to, and all the liabilities and restrictions hereby imposed upon "The Aetna Mining and Manufacturing Company."

SEC. 50. *Be it enacted*, That William Bookstaver, Daniel F. Wilkin, Samuel W. Edger and William Warne, or any two of them, or their associates and successors, are hereby constituted a body politic and corporate, by the name of the Sequoyah Mining and Mineral Company, for the purpose of exploring for copper, lead, iron, coals, zinc, and other ores, metals and minerals, and for mining, working, smelting, and vending the same; and for such purposes may erect all necessary buildings and other apparatus and fixtures for carrying on their operations; and by that name may sue and be sued, plead and be impleaded; appear, prosecute and defend in any court of law or equity, in all suits and actions; may have a common seal, and the same alter and renew at pleasure; and may enjoy all the privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey any real and personal estate.

Sequoyah  
Mining & Mineral  
Company.

SEC. 51. *Be it enacted*, That the first meeting of said corporation may be called by the persons named in this act, or a majority of them living, at such time and place as they may select; and at such meeting a board of directors shall be chosen from among the stockholders by the votes of a majority of the stockholders present at such meeting; and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders, as aforesaid, nor with the constitution and laws of the United States and of this State.

First meeting.

SEC. 52. *Be it enacted*, That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their place of residence, and the number of shares of stock held by each respectively, and the time when they become respectively the owners of said shares, and the amount of stock actually paid in, which stock shall, during the usual hour of each secular day, be opened at the place of business of said company, for the inspection of the stockholders and creditors of the said company and their representatives.

Shall keep a  
book.

**SEC. 53.** *Be it enacted,* That the said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof, in such manner and form as they may deem expedient; and may levy and collect assessments; forfeit and sell delinquent shares; declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct.

Division of  
stock.

**SEC. 54.** *Be it enacted,* That the said corporation shall not contract debts until the sum of fifty thousand dollars, or such sum as said board of directors may deem expedient, of the capital, is paid in; no part of which shall be withdrawn, or in any way diverted from the business of the company; and shall not contract debts, at any time to an amount exceeding the capital stock of the said company.

**SEC. 55.** *Be it enacted,* That said Sequoyah Mining and Mineral Company shall, at any time a majority of the stockholders may deem it expedient, and to the interest of said corporation, have a right to build a railroad or roads, to be used with steam, horse, or animal power, or all, from the mines or lands owned by said company, at the time of organizing the same, or thereafter, to be owned by said company, to any point or points they may designate, and may run the same across or along any public road or watercourse.

Railroads.

**SEC. 56.** *Be it enacted,* That if the owner or owners of any lands, or of any material necessary for the construction or repair of said road, will not agree with the board of directors of said company for the sale or use of the same, application may be made by said board of directors to any justice of the peace of the county, where said property is situated, who shall thereupon issue his writ to the sheriff of said county for the summoning of a jury of five freeholders, not related to any of the parties, or in any way interested, who, after being sworn by the sheriff, shall make a joint estimate of the property required by said company; and the amount so fixed shall be paid by said company to the owners of said property, in full settlement of all values and damages.

Damages.

**SEC. 57.** *Be it further enacted,* That P. M. Craigmiles, John Hambright, A. L. Rogers, H. B. Henegar and Hugh M. D. McElrath be and they are hereby constituted a body politic and corporate, under the name and style of the "Calhoun and Charleston Mining Company," for the purpose of searching and exploring for copper and other ores and minerals; and for working, smelting and vending the same; and said company

Calhoun and  
Charleston Mi-  
ning Co.

shall have a capital stock of not less than two hundred thousand dollars nor more than one million of dollars, and shall in all other respects be entitled to the same rights, powers, privileges, franchises and immunities, and be subject to the same liabilities and restrictions as are extended to and imposed upon the Callaway mining company by an act passed at the present session of this General Assembly.

SEC. 58. *Be it further enacted*, That Frank Nash, W. Benton, John C. Rogers, John R. Woolfolk, John L. Moore, Alexander Asken, Duncan H. Selph, Jeremiah P. Houghton, Elisha Collins, Jacob Hill, Henry O. Smith, Henderson Owen, E. C. Crisp, E. H. Osburn, James A. McDermon, J. R. Rutlage, and their successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Trustees of the West Tennessee Baptist Institute," and shall have perpetual succession; and are invested with all the legal powers and capacities to buy, receive, possess, hold, dispose of and convey any property, either real or personal, for the use and benefit of said institution; may sue and be sued, plead and be impleaded, answer and be answered unto in any court in this State or elsewhere.

West Tenn.  
Baptist Insti-  
tute.

SEC. 59. *Be it enacted*, That said board of trustees shall have power to make all by-laws necessary for the government of said institution, not inconsistent with the constitution and laws of this State or of the United States; and shall have full power to appoint such officers and agents as may to them seem necessary for the prosperity and well-being of said institution; and shall have power to procure agents to travel, to lecture, and solicit subscriptions in such sums, and upon such conditions as they, in their by-laws, may designate and prescribe.

Powers of  
board.

SEC. 60. *Be it enacted*, That said board of trustees shall have power to endow said institution with whatsoever amount they may deem necessary, the interest of which alone shall be appropriated to its support; *Provided*, that said endowment fund, as well as the interest, shall be under the control and direction of said board of trustees.

SEC. 61. *Be it enacted*, That said board of trustees shall have power to elect a principal, or president of said institute, which principal or president, when elected, shall be *ex officio* the president of the board of trustees, and such professors and tutors as they may deem

President and  
Professors.

necessary for the promotion of literature and morals in the institution.

**Vacancies.** SEC. 62. *Be it enacted*, That said board of trustees shall have full power and authority to fill all vacancies that may occur in their body from death, resignation or otherwise, and in connection with the faculty to use a common seal, which shall always be deposited with the president, and confer all such literary honors and degrees upon any student of the institution or other persons, as are usually conferred by any institution of learning in this State or in the United States.

**Quorum.** SEC. 63. *Be it enacted*, That any five of said board of trustees called together by the president, shall constitute a quorum to transact the business of the institution, and shall have full power to elect annually, without their body, five directors, whose duty, when elected, shall be to co-operate with the board in promoting the interest of the institution. The board shall have its annual meeting on the second Wednesday in July, at which time they shall elect the directors for the ensuing year. The names of the first directors shall be Wyatt Mooring, Jesse Grey, John Herron, John H. Lenier, Lem'l Day and Walter Kay. The president shall have power to call a meeting of the board of trustees at any time when he may deem it necessary, by giving ten days' notice.

**Location.** SEC. 64. *Be it enacted*, That said institution shall be located at Spring Creek, in the county of Madison, State of Tennessee; *Provided*, that the citizens thereof, or of said county, shall raise a fund sufficient to procure a suitable site, and erect the necessary buildings; but in case they fail to raise a sum sufficient for these purposes, said institution shall be located in that town or vicinity, where the citizens thereof shall donate to the board of trustees for the benefit of said institution, the sum of ten thousand dollars.

**May change name.** SEC. 65. *Be it enacted*, That said board of trustees shall have full power at any time hereafter, to give to said institute a more particular name in honor of the most distinguished and liberal benefactor, or otherwise, as they may think proper; which name so given, shall in all acts, instruments and doings of said body politic, be superadded to their corporate name aforesaid, and become a part of their legal appellation, by which it shall be forever known and distinguished.

SEC. 66. *Be it enacted*, That no misnomer or erroneous description of the corporation hereby created, in any

will, deed, gift, grant, devise, or other instrument of contract or conveyance, shall vitiate or defeat the same, but the same shall take effect in likemanner as if said corporation were correctly named and properly designated; *Provided*, always, that the discription in such case or cases, be sufficient to ascertain the intention of the parties.

SEC. 67. *Be it enacted*, That the land on which said institution shall be situated, together with the buildings, school fixtures and apparatus of said corporation, shall be exempt from taxation, both for state and county purposes. Exempt from taxes.

SEC. 68. *Be it further enacted*, That S. W. Inman, J. R. Branner and Wm. A. Branner, of Jefferson county, their associates and successors, be, and they are hereby created a body politic and corporate by the name and style of the "Eastern Division Mining Company," and by that name may sue and be sued; may hold real estate; may have a capital stock of eight hundred thousand dollars, which may be increased to one million of dollars; may have a common seal; may also ordain and put in execution, such by-laws, rules, ordinances and regulations as may seem necessary and convenient for the government of said corporation; may organize by the election of such a number of directors as they may see fit to have, and by the election of such other officers as the interest of said corporation may seem to demand, whenever fifty thousand dollars of their stock has been subscribed; may transact their business at any one or more points in this State, which they may select by the establishment of offices for that purpose; may engage in mining of every description, either in zinc, copper, iron, lead, coal, marble, gold, silver or other metals; may divide their capital stock into such shares as they see proper, and may require such payments upon the stock so subscribed, as they shall seem best for the interest of said company. Eastern Div'n Mining Co.

SEC. 69. *Be it further enacted*, That whenever the said "Eastern Division Mining Company is organized," according to the provisions of the foregoing section, in addition to the powers therein enumerated, it shall have all the powers, rights, franchises, privileges and immunities conferred upon the corporation and body politic created by an act passed December 27, 1848, chapter 60; and also the powers, rights, privileges franchises, &c., conferred upon the "Cocheco Mining Company," by the fourteenth, fifteenth, sixteenth and seventeenth sections of an act passed January 23, 1852, chapter 103, entitled Powers and privileges.

"an act to incorporate the Tullahoma Mining Company of Tennessee, and for other purposes."

**SEC. 70.** *Be it further enacted,* That said company may engage in the manufacture of such articles as they may desire and at such places as they may select; *Provided,* that should said company transact their business in the exercise of any one of the powers or privileges hereby conferred upon them in more than one of the counties of this State, then the company may be sued in the county in which it may have either its principal office or any one of its branch offices, by service of process upon the principal officer or agent of the company in that county.

**SEC. 71.** *Be it further enacted,* That said company may have the privilege to change its name and title whenever it may be deemed necessary, so as not to conflict with the above provisions.

**SEC. 72.** *Be it further enacted,* That Thomas H. Calloway, of Bradley county, Joseph A. Mabry, of Knox county, and John B. Branner, of Jefferson county, their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the Southern Mining Company; and by this name may sue and be sued; may hold real estate; may have a capital stock of eight hundred thousand dollars, which may be increased to two millions of dollars; may have a common seal; may also ordain and put in execution such by-laws, rules, ordinances and regulations, as may seem necessary and convenient for the government of said corporation; may organize by the election of such a number of directors as they may see fit to have, and by the election of such other officers as the interest of the said corporation may seem to demand, whenever fifty thousand dollars of their capital stock has been subscribed; may transact their business at any one or more points in this State which they may select, by the establishment of offices for that purpose; may engage in mining of every description, either in copper, marble, coal, iron, gold, or other metals; may divide their capital stock into such shares as they may see proper; and may require such payments upon the stock so subscribed, as they shall deem best for the interest of said company.

**SEC. 73.** *Be it further enacted,* That whenever the said Southern Mining Company is organized according to the provisions of the foregoing section in addition to the powers therein enumerated, it shall have all the powers, franchises, rights, privileges and immunities

Southern Mining Company.

Powers and privileges.

conferred upon the corporation and body politic created by an act passed December 27, 1843, chap. 60, and also the powers, rights, privileges, franchises, &c., conferred upon the Coheco Mining Company by the 14th, 15th, 16th, and 17th sections of an act passed January 23, 1852, chap. 103, entitled an act to incorporate the Tullahoma Mining and Manufacturing Company of Tennessee, and for other purposes.

SEC. 74. *Be it further enacted*, That said company may also engage in the manufacturing of such articles as they may desire, and at such places as they select; *Provided*, that should said company transact their business in the exercise of any one of the powers or privileges hereby conferred upon them in more than one of the counties of this State, then the company may be sued in the county in which it may have either its principal office or any one of its branch offices, by the service of process upon the principal officer or agent of the company in that county. Where may  
be sued.

SEC. 75. *Be it further enacted*, That said company may have the privilege of changing its title whenever it may be deemed necessary so as not to conflict with the above privileges.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate,*

Passed, March 2, 1854,

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## CHAPTER CCXCV.

AN ACT to incorporate the Waterhouse Mining Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Euclid Waterhouse, Thomas H. Callaway, John Towns, Gideon B. Thompson and Thomas Leach and their associates, are hereby constituted a body politic and corporate, under the name and style of the Waterhouse Mining Company, for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting manufacturing and vending the same; and to continue in existence to them and their successors, for the period of ninety-nine years, with power to make and use

a common seal, and to alter or change the same at pleasure; to make such by-laws not inconsistent with the laws of this State or of the United States, as it may deem proper and necessary for its government in its corporate name; to sue and be sued, to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, real estate or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *Provided*, always, that the first cost of such real estate shall not exceed the maximum amount of the capital stock herein-after provided for.

**Capital stock.** SEC. 2. *Be it enacted*, That the capital stock of said company shall not be less than two hundred thousand dollars, nor more than six hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, and the number of shares, and the price thereof, shall be fixed and agreed upon by the incorporators, at their first meeting under this act. Nothing but money or mining property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company, in person or by proxy.

**First directory.** SEC. 3. *Be it enacted*, That the incorporators named in the first section, or any six of their associates, shall be the directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and in such places as the board of directors may determine, from year to year; thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president; and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

**Individual liability.** SEC. 4. *Be it enacted*, That all stockholders not having paid their stock, according to the terms of subscription, shall be individually liable to the creditors of the company, to the amount so remaining unpaid; and in like manner shall the directors be liable individually,



for any amount they may declare, and authorize to be paid to the stockholders, as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 5. *Be it enacted*, That the said company shall not contract any debts, over and above the amount of the capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from the business of the company, without the consent of three-fourths, in interest, of the stockholders.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CCXCVI.

AN ACT to incorporate the Union Consolidated Mining Company of Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Henry Young, C. A. Proctor, J. T. Newberry, Walter Wheaton, William W. Pearce, and John C. Lyman, are hereby constituted a body politic and corporate, by the name and style of the Union Consolidated Mining Company, for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence, to them and their successors, for the period of ninety-nine years, with power to make and use a common seal, and to alter and change the same at pleasure; to make such by-laws, not inconsistent with the laws of this State and of the United States, as it may deem useful and necessary for its government in its corporate name; to sue

and be sued; to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *Provided*, always, that the first cost of such real estate shall not exceed the maximum amount of the capital stock herein provided for.

**Capital stock.** *Sec. 2. Be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, to be divided into shares of not less than ten dollars each; the number and valuation of the shares above ten dollars, to be fixed by the board of directors; the stockholders shall have power to increase the capital stock, also the number of shares, from time to time, when required to extend their mining operation, to any amount not exceeding five millions of dollars. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe; the shares shall be considered personal property, and shall be transferred only on the books of the company, in person or by attorney.

**Directory.** *Sec. 3. Be it enacted*, That the corporators named in the first section of this act, or any five of their associates as may be selected, shall be the directors for the first year and until others are elected in their stead. The annual meeting of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days previous notice shall be given in some newspaper published near the place of business, of the time and place of such meeting; at each annual meeting a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

**Individual liability.** *Sec. 4. Be it enacted*, That all the stockholders not having paid their stock, according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be individually liable for any amount they may declare and authorize to be

paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on the part of the dissenting director, he must enter, or cause to be entered, on the minutes of the board, his dissent thereto, or if not present when the act is done, he shall so record or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

Sec. 5. *Be it enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as they may deem expedient; and whenever said company shall by purchase, lease or otherwise, become possessed of any mine, mines or mineral rights without the limits of this State, the directors may make a separate and distinct interest of each mine, and divide such interest into such number of shares as they may deem expedient not exceeding in amount five hundred thousand dollars for each mine; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares of said mines in such manner as their by-laws may direct. Division of stock.

Sec. 6. *Be it enacted*, That the said company shall not contract any debts over and above the amount of Debts. capital stock paid in, no part of which shall be withdrawn or in any way or manner diverted from the business of the company, without the consent in interest of three-fourths of the stockholders.

Sec. 7. *Be it enacted*, That this act shall take effect from its passage.

Sec. 8. *Be it further enacted*, That George W. Cooke, H. J. Brock, B. P. Cobb, William Dugan, and H. C. McMinn Cop-  
per Min'g. Co. Cooke, and their associates, be, and they are hereby constituted a body politic and corporate, under the name and style of the McMinn Copper Mining Company, for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same. The capital stock of said company shall not be less than one hundred thousand, nor more than one million of dollars; and in all other respects, the said company shall be entitled to all the rights, privileges, powers, exemptions and immunities, and be subject to all the restrictions, liabilities and duties by this act conferred upon and required of the "Union Consolidated Mining Company."

Sec. 9. *Be it further enacted*, That H. C. Cooke, N. J. Spilman, Elisha Williams, James Williams, and Hen- Loss Creek  
Mining Co. ry Smythe, and their associates, be, and they are hereby

a common seal, and to alter or change the same at pleasure; to make such by-laws not inconsistent with the laws of this State or of the United States, as it may deem proper and necessary for its government in its corporate name; to sue and be sued, to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, real estate or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *Provided*, always, that the first cost of such real estate shall not exceed the maximum amount of the capital stock herein-after provided for.

**Capital stock.** *Sec. 2. Be it enacted*, That the capital stock of said company shall not be less than two hundred thousand dollars, nor more than six hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, and the number of shares, and the price thereof, shall be fixed and agreed upon by the corporators, at their first meeting under this act. Nothing but money or mining property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company, in person or by proxy.

**First directory.** *Sec. 3. Be it enacted*, That the corporators named in the first section, or any six of their associates, shall be the directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and in such places as the board of directors may determine, from year to year: thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year: but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president; and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

**Individual liability.** *Sec. 4. Be it enacted*, That all stockholders not having paid their stock, according to the terms of subscription, shall be individually liable to the creditors of the company, to the amount so remaining unpaid; and in like manner shall the directors be liable individually.

for any amount they may declare, and authorize to be paid to the stockholders, as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 5. *Be it enacted*, That the said company shall not contract any debts, over and above the amount of the capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from the business of the company, without the consent of three-fourths, in interest, of the stockholders.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CCXCVI.

AN ACT to incorporate the Union Consolidated Mining Company of Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Henry Young, C. A. Proctor, J. T. Newberry, Walter Wheaton, William W. Pearce, and John C. Lyman, are hereby constituted a body politic and corporate, by the name and style of the Union Consolidated Mining Company, for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence, to them and their successors, for the period of ninety-nine years, with power to make and use a common seal, and to alter and change the same at pleasure; to make such by-laws, not inconsistent with the laws of this State and of the United States, as it may deem useful and necessary for its government in its corporate name; to sue

and be sued; to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *Provided*, always, that the first cost of such real estate shall not exceed the maximum amount of the capital stock herein provided for.

**Capital stock.** SEC. 2. *Be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, to be divided into shares of not less than ten dollars each; the number and valuation of the shares above ten dollars, to be fixed by the board of directors; the stockholders shall have power to increase the capital stock, also the number of shares, from time to time, when required to extend their mining operation, to any amount not exceeding five millions of dollars. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe; the shares shall be considered personal property, and shall be transferred only on the books of the company, in person or by attorney.

**Directory.** SEC. 3. *Be it enacted*, That the corporators named in the first section of this act, or any five of their associates as may be selected, shall be the directors for the first year and until others are elected in their stead. The annual meeting of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days previous notice shall be given in some newspaper published near the place of business, of the time and place of such meeting; at each annual meeting a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

**Individual liability.** SEC. 4. *Be it enacted*, That all the stockholders not having paid their stock, according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be individually liable for any amount they may declare and authorize to be

paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on the part of the dissenting director, he must enter, or cause to be entered, on the minutes of the board, his dissent thereto, or if not present when the act is done, he shall so record or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

Sec. 5. *Be it enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as they may deem expedient; and whenever said company shall by purchase, lease or otherwise, become possessed of any mine, mines or mineral rights without the limits of this State, the directors may make a separate and distinct interest of each mine, and divide such interest into such number of shares as they may deem expedient not exceeding in amount five hundred thousand dollars for each mine; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares of said mines in such manner as their by-laws may direct.

Division of  
stock.

Sec. 6. *Be it enacted*, That the said company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn or in any way or manner diverted from the business of the company, without the consent in interest of three-fourths of the stockholders.

Debts.

Sec. 7. *Be it enacted*, That this act shall take effect from its passage.

Sec. 8. *Be it further enacted*, That George W. Cooke, H. J. Brock, B. P. Cobb, William Dugan, and H. C. Cooke, and their associates, be, and they are hereby constituted a body politic and corporate, under the name and style of the McMinn Copper Mining Company, for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same. The capital stock of said company shall not be less than one hundred thousand, nor more than one million of dollars; and in all other respects, the said company shall be entitled to all the rights, privileges, powers, exemptions and immunities, and be subject to all the restrictions, liabilities and duties by this act conferred upon and required of the "Union Consolidated Mining Company."

McMinn Cop-  
per Min'g. Co.

Sec. 9. *Be it further enacted*, That H. C. Cooke, N. J. Spilman, Elisha Williams, James Williams, and Henry Smythe, and their associates, be, and they are hereby

Loss Creek  
Mining Co.

constituted a body politic and corporate, under the name and style of the "Loss Creek Mining Company," for the purpose of exploring and mining for copper and other ores and minerals, and for working, vending, smelting, and manufacturing the same. Said company shall have the same capital stock, and in every other respect be entitled to the same rights, powers, privileges, immunities and exemptions, and be subject to the same restrictions, liabilities and duties conferred and imposed upon the "Union Consolidated Mining Company," by this act.

**Conesona Mining Company.** Sec. 10. *Be it enacted*, That Archibald Fitzgerald, D. A. Walker, Edward M. Gott, John M. Wood, Francis W. Gott, Thomas H. Callaway and Euclid Waterhouse, their associates and successors, are heroby constituted a body politic and corporate, by the name of "Conesona Mining Company," for the purpose of exploring for copper, iron, and other ores, metals, minerals, and for oil substances, and for mining, working, smelting and vending the same; and for such purposes, may erect all necessary buildings, and other apparatus and fixtures for carrying on their operations; and by that name may sue and be sued, plead and be impleaded; appear, prosecute and defend, in any court of law or equity, whatsoever, in all suits or actions; may have a common seal, and the same may alter or renew at pleasure; and may enjoy all the rights and privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey any real or personal estate.

**Directors.** SEC. 11. *Be it enacted*, That the first meeting of said corporation may be called by the persons named in this act, or any four of them, at such time and place as they may direct; and at such meeting, a board of directors shall be chosen from among the stockholders by the votes of a majority of the stockholders present at such meeting; and such board of directors shall take charge of the operations of said company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold office for one year, or until their successors are elected; and may adopt such by-laws and regulations for the government of the concerns of the company, as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the constitution and laws of the United States and of this State.

**Keep a book.** SEC. 12. *Be it enacted*, That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their



places of residence and the number of shares of stock held by each respectively, and the time when they become respectively the owners of said shares, and the amount of stock actually paid in, which book shall, during the usual business hours of each secular day, be open at the place of business of said company, for the inspection of the stockholders and creditors of the company and their representatives.

Sec. 13. *Be it enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as they may deem expedient, and whenever said company shall, by purchase, lease, or otherwise become possessed of any mine, mines or mineral rights, the directors may make a separate and distinct interest of each mine, and divide said interest into such number of shares as they may deem expedient, not exceeding in amount two hundred thousand dollars for each mine, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares of said mines in such manner as their by-laws may direct.

Sec. 14. *Be it enacted*, That the said corporation shall not contract debts until the sum of fifty thousand dollars of the capital stock is paid in; no part of which shall be withdrawn or in any manner diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the amount of capital stock of said company.

Sec. 15. *Be it enacted*, That a body corporate and politic by the name and style of Fitzgerald Mining Company, is hereby constituted and established for the same purposes as the Conesona Mining Company, heretofore chartered and provided for; that the capital stock of said company shall not exceed two hundred thousand dollars, and shall be taken and subscribed before any three of the persons hereinbefore named, who may act as commissioners, and the said Fitzgerald mining company and the stockholders therein, shall be entitled to all the rights, privileges and immunities, and subject to all the liabilities imposed on said Conesona mining company as fully, amply and completely as if said Cherokee mining company were now chartered and established in all the sections and words of said Conesona mining company, by substituting the corporate name of the former in said sections for the corporate name of the said Conesona mining company.

Bushel of  
stone coal 80  
pounds.

SEC. 16. *Be it further enacted*, That hereafter eighty pounds of stone coal shall be one bushel in this State.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CCXCVII.

AN ACT to incorporate the Orange Lake Mining Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Daniel F. Wilkin, Daniel K. Bull, Charles Borland, Joseph M. Wilkin, William Warne, Charles H. Winfield and Arther W. Hart, their associates, and successors are hereby constituted a body politic and corporate, by the name of the Orange Lake Mining Company, for the purpose of exploring for copper, lead, iron, zinc, gold, silver, coals, slate and other metals and minerals, and for mining, working, smelting, assaying and vending the same; and for such purposes may erect all necessary buildings, and other apparatus and fixtures for carrying on their operations; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits or actions; may have a common seal, and the same alter and renew at pleasure, and may enjoy the privileges incident to corporations, and may purchase, hold, mortgage, transfer and convey real or personal estate.

SEC. 2. *Be it enacted*, That the first meeting of said corporation, may be called by the persons named in this act, or a majority of them living, in person or by proxy, at such time and place as they may select; and at such meeting, a board of directors shall be chosen from among the stockholders by the votes of a majority of the stockholders present at such meeting; and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold their office for one year, or until their successors are appointed; and may adopt such by-laws and regulations for the government of the con-

Directors.

cerns of the company, as they may deem expedient, not inconsistent with the rules made by the stockholders aforesaid, nor with the constitution and laws of the United States, and of this State.

SEC. 3. *Be it enacted*, That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their places of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in; which book shall be open during the usual business hours of each secular day, at the place of business of said company, for the inspection of the stockholders and creditors of said company, and their representatives. Keep a book.

SEC. 4. *Be it enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares; declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct. Division of stock.

SEC. 5. *Be it enacted*, That the said corporation shall not contract debts until the sum of fifty thousand dollars, or such sum as said board of directors may deem expedient, of the capital stock is paid in; no part of which shall be withdrawn or in any way diverted from the business of the company; and shall not contract debts at any time to an amount exceeding the capital stock of said company. Debts.

SEC. 6. *Be it enacted*, That said Orange Lake Mining Company, shall, at any time a majority of the stockholders may deem it expedient and to the interest of the said corporation, have the right to build a railroad or roads, to be used with steam, horse or animal power, from the mines or lands owned by said company at the time of organizing the same, or thereafter to be owned by said company, to any point or points they may designate, and may run the same across or along any public road or water-course. Railroad.

SEC. 7. *Be it enacted*, That if the owner or owners of any lands or materials necessary for the construction or repairs of said road, will not agree with the board of directors of said company for the sale or use of the same, application may be made by said board of directors to any justice of the peace in the county where said property is situated, who shall thereupon issue his writ to the sheriff of said county for the summoning Damages.

of a jury of five freeholders not related to any of the parties, or in any way interested, who, after being sworn by the sheriff, shall make a just estimate of the value of the property required by said company; and the amount so fixed shall be paid by said company to the owners of said property, in full settlement of all values and damages.

SEC. 8. *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate*

Passed, February 28, 1854.

## CHAPTER CCXCVIII.

AN ACT to amend an act entitled an act to incorporate the Sewanee Mining Company, passed February 10, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Sewanee Mining Company shall have the power to construct a railroad or roads, with one or more tracks, to be used with steam, animal or other power, from any point or points on the Nashville and Chattanooga Railroad, to any or all the coal mines or lands now owned, or that may hereafter be owned by said Sewanee Mining Company on the Cumberland Mountain; and to such other places as the stockholders of said company may deem best and expedient for the interest only of said company; and for such purposes, may purchase, have and hold in fee simple, or for a term of years, any real or personal estate, and may mortgage, sell, transfer and convey the same as other property belonging to said company.

SEC. 2. *Be it enacted*, That if the owner or owners of any lands or of any materials necessary for the construction or repair of said roads, will not agree with the board of directors of said company, for the sale or use of the same, application may be made by said board of directors, to any justice of the peace in the county where said property is situated, who shall thereupon, issue his writ to the sheriff of said county, for the summoning of a jury of five freeholders not related to any

Damages.

of the parties, or in any way interested, who, after being sworn by the sheriff, shall make a just estimate of the value of the property required by said company; and the amount so fixed, shall be paid by said company to the owners of said property, in full settlement of all values and damages.

SEC. 3. *Be it enacted*, That said company, when necessary, shall have the right to conduct the said railroad or roads across or along any public road or water course.

SEC. 4. *Be it enacted*, That said road or roads shall be under the control of the same board of directors, and subject to the same rules and by-laws as the Sewanee mining company, and that the same shall constitute a part of the property of the stockholders of said company in the same proportion as other property originally purchased by them.

SEC. 5. *Be it further, enacted*, That the first meeting of said Sewanee mining company may be called by the majority of the commissioners, or their successors or substitutes, named in the original charter thereof.

SEC. 6. *Be it enacted*, That this act shall take effect from and after its passage.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, January 2, 1854.

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## CHAPTER CCXCIX.

AN ACT to incorporate the Calloway Mining Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Lyman Denison, A. P. Halsey, William Oglesbie, J. Elnathan Smith, F. Rider, William Hicket and Lyman W. Gilbert are hereby constituted a body politic and corporate under the name and style of the "Calloway Mining Company," for the purpose of exploring and mining for copper, and other ores and minerals; and for working, smelting, manufacturing and vending the same; and to continue in existence to them and their successors for the period

of ninety-nine years, with power to make and use a common seal, and to alter or change the same at pleasure; to make such by-laws not inconsistent with the laws of this State and of the United States, as it may deem proper and necessary for its government; in its corporate name; to sue and be sued, to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *Provided*, always, that the first cost of such real estate shall not exceed the maximum amount of capital stock hereinafter provided for.

**CAPITAL STOCK.** SEC. 2. *Be it enacted*, That the capital stock of said company shall not be less than two hundred thousand dollars, and not more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the incorporators at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock. The stock to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company, in person or by attorney.

**ORGANIZATION.** SEC. 3. *Be it enacted*, That the incorporators named in the first section of this act shall be the directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year; but in case of a failure to elect a board of directors, the charter of this company shall not be forfeited thereby; but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

**INDIVIDUAL LIABILITY.** SEC. 4. *Be it enacted*, That all the stockholders not having paid for their stock according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid;

and in like manner shall the directors be liable individually, for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter, or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

Sec. 5. *Be it enacted*, That the said company shall not contract any debts over and above the amount of <sup>Debts.</sup> capital stock paid in; no part of which shall be withdrawn, or in any way or manner diverted from the business of the company, without the consent of three-fourths in interest of the stockholders.

Sec. 6. *Be it enacted*, That this act shall take effect from and after its passage.

Sec. 7. *Be it enacted*, That William Taber, Robert Harris, James Grinnell, James T. Burklin, George Chace, Samuel Aleny, William Waterman, Jotham P. Ives, <sup>Alleghany Mining Comp'y.</sup> and their associates are hereby constituted a body politic and corporate, under the name and style of the "Alleghany Mining Company," for the purpose of exploring and mining for copper and other ores and minerals; and for working, smelting, manufacturing and vending the same; and to continue in existence to them and their successors for the period of ninety-nine years; with power to make and use a common seal, and to alter or change the same at pleasure; to make such by-laws not inconsistent with the laws of this State and of the United States, as it may deem proper and necessary for its government; in its corporate name to sue and be sued; to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts to it; *Provided always*, that the first cost of such real estate shall not exceed the maximum amount of capital stock herein provided for.

Sec. 8. *Be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, with <sup>Capital stock.</sup> liberty to increase the same as hereinafter provided, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the corporators at their first meeting under this act. No

thing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe; the shares shall be considered personal property, and shall be transferable only on the books of the company in person or by attorney.

**Organization.** **SEC. 9.** *Be it enacted,* That the corporators named in the seventh section of this act, or any six of them or their associates shall be the directors for the first year, and until others are elected in their stead; the annual meeting of the company shall be held at such times and in such places, as the board of directors may determine from year to year, thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting; at each annual meeting a board of directors shall be chosen for the ensuing year; but in case of a failure to elect a board of directors, the charter of this company shall not be forfeited thereby; but the directors of the previous year shall continue in office until others are elected in their stead; the directors shall appoint one of their number president, and shall appoint such other officers and agents as they may deem necessary, and appoint their salaries.

**Individual Liability.** **SEC. 10.** *Be it enacted,* That all the stockholders not having paid for their stock according to the terms of subscription, shall be individually liable to the creditors of the company, to the amount so remaining unpaid; and in like manner shall the directors be liable individually, for any amount they may declare and pay or authorize to be paid to the stockholders, as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part the dissenting director shall enter, or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record, or cause to be recorded his dissent thereto, within thirty days after such dividend shall have been authorized.

**May increase stock.** **SEC. 11.** *Be it enacted,* That said company may, at its pleasure and in such form and manner as the directors shall elect and declare, increase their capital stock to any amount they may deem advisable, not exceeding two millions of dollars; and said directors shall have power to sell, dispose of, or take subscriptions for such increased and additional stock, in such manner and form, at such time and place, and on such terms as they may think proper to order and prescribe; and whenever said company shall, by purchase, lease or otherwise



rate and distinct interest of each mine, and divide such interest into such number of shares as they may deem expedient, not less than two hundred thousand dollars, nor more than ten hundred thousand dollars to each mine; and may levy and collect assessments; declare and pay dividends on the shares of said mines, as their by-laws may direct.

Sec. 18. *Be it enacted*, That the said company shall not contract any debt over and above the amount of capital stock paid in, no part of which shall be withdrawn or in any way or manner diverted from the business of the company, without the consent of three-fourths in interest of the stockholders. Debts.

Sec. 19. *Be further it enacted*, That Reuben McKenzie, Thomas B. McElwee, George W. McKenzie, Robert S. Baldwin, Dr. Stephen Taylor, John M. Lillard, David E. Gillespie, Matthew Buchanan, William W. Lillard, John R. Neal and John Eldridge, and their associates and successors are hereby constituted a body corporate and politic under the name and style of the "Decatur Mining Company," for the purpose of exploring and mining for copper and other ores and minerals, and for making, smelting, manufacturing and vending the same, and to continue in existence to them and their successors for the period of ninety-nine years, with power to make and use a common seal, and to alter and change the same at pleasure; to make such by-laws not inconsistent with the laws of this State and of the United States, as may seem proper and necessary for its government; in its corporate name to sue and be sued; to plead and be impleaded; to hold by purchase or otherwise; and to dispose of the same, in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due it; *Provided*, always, that the first cost of such real estate shall not exceed the maximum amount of capital stock hereinafter provided for. Decatur Mining Company.

Sec. 20. *Be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same as hereinafter provided for, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares shall be fixed and agreed upon by the corporations at their first meeting under this act. Nothing but money or mining property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe. The shares Capital stock.

perty, and shall be transferred only on the books of the company, in person or by attorney.

**Organization.** SEC. 15. *Be it enacted*, That the corporators named in the thirteenth section of this act, or any of their associates, who may be chosen or elected at the first meeting of the company, shall be the directors for the first year. Six members of the company shall constitute a full board of directors, and shall hold their places until others are elected in their stead. The annual meeting of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting; at each annual meeting, a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors, the charter of the company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead; the directors shall appoint one of their number president, and shall appoint such other officers as they may deem proper, and affix their salaries.

**Individual Liability.** SEC. 16. *Be it enacted*, That the stockholders not having paid their stock according to the terms of subscription, shall be individually liable, to the creditors of the company, to the amount so remaining unpaid; and in like manner shall the directors be individually liable for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it; to avoid such liability on his part, the dissenting director shall enter or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

**Increase and division of stock.** SEC. 17. *Be it enacted*, That said company may at its pleasure, and in such form and manner as the directors shall elect and declare, increase the capital stock to any amount they may deem advisable not exceeding five millions of dollars; and said directors shall have power to sell, dispose of, or take subscriptions for such increased and additional stock, in such manner and form, at such time and place, and on such terms as they may think proper to order and prescribe; and whenever said company shall, by purchase, lease or otherwise, become possessed of any mine, mines or mineral rights without the limits of this State, the directors may make a sepe-

become possessed of any mine, mines or mineral rights without the limits of this State, the directors may make a separate and distinct interest of each mine, and divide such interest into such number of shares as they may deem expedient, not less than ten thousand, nor more than one hundred thousand dollars to each mine; and may levy and collect assessments, declare and pay dividends on the shares of said mines, as their by-laws may direct.

SEC. 24. *Be it enacted*, That said company shall not contract any debt over and above the amount of capital stock paid in; no part of which shall be withdrawn or in any way or manner diverted from the business of the company, without the consent of two-thirds, in interest, of the stockholders. Debts.

SEC. 25. *Be it enacted by the General Assembly of the State of Tennessee*, That J. Gray, J. W. Francis, John J. Mastin, John Caldwell, M. A. Wood, D. C. McMillan, Wm. McMillan, J. P. Bates, and E. Kirkpatrick, are hereby constituted a body politic and corporate, under the name and style of the "Rayburn Gap and London Mining Company," for the purpose of exploring and mining for copper and other ores, and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors for the period of ninety-nine years, with power to make and use a common seal, and to alter or change the same at pleasure; to make such by-laws, not inconsistent with the laws of this State and of the United States, as it may deem proper and necessary for its government in its corporate capacity; to sue and be sued, to plead and be impleaded, to hold by purchase, or otherwise, and to dispose of the same, in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *provided*, always that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for. Rayburn Gap and London Mining Company.

SEC. 26. *Be it enacted*, That the capital stock of said company shall not be less than one hundred thousand dollars, and not more than three hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares shall be fixed and agreed upon by the corporators at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed Capital stock.

shall be considered as personal property, and shall be transferred only on the books of the company in person or by attorney.

**Organization.** SEC. 21. *Be it enacted*, That the corporators named in the nineteenth section of this act, or any of their associates, who may be chosen or elected at the first meeting of the company, shall be the directors for the first year. Six members of the company shall constitute a full board of directors, and shall hold their places until others are elected in their stead. The annual meeting of the company shall be held at such times and places as the board of directors may determine from year to year, twenty days' previous notice being given in some newspaper published near the place of business, or otherwise, as the board may determine, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby; but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president, and shall appoint such other officers as they may deem proper, and affix their salaries.

**Individual liability.** SEC. 22. *Be it enacted*, That the stockholders not having paid their stock according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be individually liable for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter or cause to be entered on the minutes of the board, his dissent thereto; or if not present when the act is done, he shall so record or cause to be recorded his dissent thereto within thirty days after such dividend shall have been authorized.

**Increase and division of capital stock.** SEC. 23. *Be it enacted*, That said company may at its pleasure, and in such form and manner as the directors shall elect and declare, increase the capital stock to any amount they may deem advisable, not exceeding one million of dollars; and said directors shall have power to sell, dispose of, or take subscription for such increased and additional stock, in such manner and form, at such time and place, and on such terms as they may think proper to order and prescribe; and whenever said company shall, by purchase, lease or otherwise,

become possessed of any mine, mines or mineral rights without the limits of this State, the directors may make a separate and distinct interest of each mine, and divide such interest into such number of shares as they may deem expedient, not less than ten thousand, nor more than one hundred thousand dollars to each mine; and may levy and collect assessments, declare and pay dividends on the shares of said mines, as their by-laws may direct.

SEC. 24. *Be it enacted*, That said company shall not contract any debt over and above the amount of capital stock paid in; no part of which shall be withdrawn or in any way or manner diverted from the business of the company, without the consent of two-thirds, in interest, of the stockholders. Debts.

SEC. 25. *Be it enacted by the General Assembly of the State of Tennessee*, That J. Gray, J. W. Francis, John J. Mastin, John Caldwell, M. A. Wood, D. C. McMillan, Wm. McMillan, J. P. Bates, and E. Kirkpatrick, are hereby constituted a body politic and corporate, under the name and style of the "Rayburn Gap and London Mining Company," for the purpose of exploring and mining for copper and other ores, and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors for the period of ninety-nine years, with power to make and use a common seal, and to alter or change the same at pleasure; to make such by-laws, not inconsistent with the laws of this State and of the United States, as it may deem proper and necessary for its government in its corporate capacity; to sue and be sued, to plead and be impleaded, to hold by purchase, or otherwise, and to dispose of the same, in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *provided*, always that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for. Rayburn Gap and London Mining Company.

SEC. 26. *Be it enacted*, That the capital stock of said company shall not be less than one hundred thousand dollars, and not more than three hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares shall be fixed and agreed upon by the incorporators at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed Capital stock.

and paid for as the board of directors may prescribe; the shares shall be considered personal property, and shall be transferable only on the books of the company in person or by attorney.

**Organisation.**

SEC. 27. *Be it enacted*, That the corporators named in the twenty-fifth section of this act, shall be the directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year, but in case of a failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number President, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

**Individual liability.**

SEC. 28. *Be it enacted*, That all the stockholders not having paid their stock according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be liable individually for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter, or cause to be entered on the minutes of the board his dissent thereto, or if not present when the act is done, he shall so record, or cause to be recorded his dissent thereto within thirty days after such dividend shall have been authorized.

**Debts.**

SEC. 29. *Be it further enacted*, That the said Company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from the business of the company, without the consent of three fourths in interest of the stockholders.

**Ducktown Mining Company.**

SEC. 30. *Be it enacted by the General Assembly of the State of Tennessee*, That John Caldwell, William C. Murdock, William F. Keith, T. D. Knight, John Goodman, Alex. H. Keith, John Hannah, and Henry Barker, are hereby constituted a body politic and corporate under the name and style of the "Ducktown Mining Company," for the purpose of exploring and mining for

copper and other ores and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors for the period of ninety-nine years, with power to make and use a common seal, and to alter and change the same at pleasure; to make such by-laws, not inconsistent with the laws of this State and of the United States, as it may deem proper and necessary for its government; in its corporate name to sue and be sued; to plead and be impleaded; to hold, by purchase or otherwise, and dispose of the same in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *provided always*, that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

SEC. 31. *Be it enacted*, That the capital stock of said company shall not be less than one hundred thousand dollars, and not more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the incorporators at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe: the shares shall be considered personal property, and shall be transferable only on the books of the company, in person or by attorney. Capital stock.

SEC. 32. *Be it enacted*, That the incorporators named in the thirtieth section shall be the directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year—thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meetings. At each annual meeting a board of directors shall be chosen for the ensuing year; but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their places. The directors shall appoint one of their number President, and shall appoint such other officers and agents as they may deem proper, and affix their salaries. Organization.

SEC. 33. *Be it enacted*, That all the stockholders not

Individual liability.

having paid their stock according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be liable individually for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter or cause to be entered on the minutes of the board his dissent thereto; or, if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

Debts.

SEC. 34. *Be it enacted*, That the said company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn or in any way or manner diverted from the business of the company, without the consent of three-fourths, in interest, of the stockholders.

Athens Mining Company.

SEC. 35. *Be it enacted by the General Assembly of the State of Tennessee*, That Alexander Keith, Thomas Hoil, and John Caldwell are hereby constituted a body politic and corporate under the name and style of "The Athens Mining Company," for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors for the period of ninety-nine years, with power to make and use a common seal, and to alter or change the same at pleasure; to make such by-laws, not inconsistent with the laws of the State and of the United States, as it may deem proper and necessary for its government; in its corporate capacity to sue and be sued; to plead and be impleaded; to hold, by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it; *provided always*, that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

Capital stock.

SEC. 36. *Be it enacted*, That the capital stock of said company shall not be less than one hundred thousand dollars, and not more than three hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares shall be fixed and agreed upon by



the corporators at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe: the shares shall be considered personal property, and shall be transferable only on the books of the company, in person or by attorney.

SEC. 37. *Be it enacted*, That the corporators named in the thirty-fifth section of this act shall be the directors for the first year, and until others are elected in their stead. Organization. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year—thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year; but in the event of a failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors for the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president, and shall appoint such other officers or agents they may deem proper, and affix their salaries.

SEC. 38. *Be it enacted*, That all the stockholders not having paid their stock according to the terms of subscription, shall be individually liable to the creditors of Individual liability. the company to the amount so remaining unpaid; and in like manner shall the directors be liable individually for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter, or cause to be entered, on the minutes of the board his dissent thereto; or, if not present when the act is done, he shall so record his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 39. *Be it enacted*, That the said company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be with- Debts. drawn or in any way or manner diverted from the business of the company, without the consent of three-fourths, in interest, of the stockholders.

SEC. 40. *Be it enacted by the General Assembly of the State of Tennessee*, That John M. Dow, Alexander H. Eureka Mining Company. Freeman, Nathan T. Dow, and Frederick O. Prince, their associates and successors, are hereby constituted

a body politic and corporate, by the name of "The Enreka Mining Company," for the purpose of exploring for copper, iron, and other ores, metals and minerals, and for mining, working, smelting and vending the same, and for such purposes may erect all necessary buildings and other apparatus and fixtures for carrying on their operations; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever, in all suits and actions; may have a common seal, and the same alter or renew at pleasure; and may enjoy all the privileges incident to corporations, and may purchase, hold, mortgage, transfer and convey any real and personal estate.

Organization.

SEC. 41. *Be it enacted*, That the first meeting of said corporation may be called by the persons named in the fortieth section of this act, or any three of them, at such time and place as they may select; and at such meeting a board of directors shall be chosen from among the stockholders, by the votes of the majority of the stockholders at such meeting; and such board of directors shall take charge of the operations of the company—subject to such rules and regulations as may be adopted by the stockholders. Said directors shall hold office for one year, or until their successors are appointed; and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders, as aforesaid, nor with the constitution and laws of the United States and the State of Tennessee.

Shall keep a book.

SEC. 42. The directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their place of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in; which books shall, during the usual business hours of each secular day, be open at the place of business of said company, for the inspection of the stockholders and creditors of the company, and their representatives.

Division of stock.

SEC. 43. The said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof in such manner and form as they may deem expedient, and whenever said company, shall by purchase, lien or otherwise become possessed of any mine, mines or mineral rights without

carrying on its operations, or which it may become possessed of in payment of debts due to it, *provided*, always, that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

SEC. 52. *Be it enacted*, That the capital stock of said company shall not be less than one hundred thousand dollars, and not more than five hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares shall be fixed and agreed upon by the corporators, at their first meeting under this act; nothing but money or mineral property shall be regarded as a basis for capital stock. The stock to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company in person or by attorney. Capital stock.

SEC. 53. *Be it enacted*, That the corporators named in the fifty-first section of this act shall be the directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year; thirty days previous notice being given in some newspaper, published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year, but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number President, and shall appoint such other officers and agents as they may deem proper, and affix their salaries. Organization.

SEC. 54. *Be it enacted*, That all the stockholders not having paid their stock according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be liable individually for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter, or cause to be entered, on the minutes of the board his dissent thereto; or, if not present when the act is done, he shall so record, or cause to be re- Individual liability.

Shall keep a  
book.

SEC. 47. *Be it enacted*, That the directors shall cause a book to be kept containing the names of all persons who are stockholders in said company, showing their places of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in; which book shall, during the usual business hours of each secular day, be open at the place of business of said company for the inspection of the stockholders and creditors of said company, and their representatives.

Division of  
stock.

SEC. 48. *Be it enacted*, That the said corporation may divide their original stock in such number of shares and provide for the sale and transfer thereof, in such manner and form as they may deem expedient, and may levy and collect assessments, forfeit and sell the shares of delinquent stockholders, declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct.

Debts.

SEC. 49. *Be it enacted*, That the said corporation shall not contract debts until the sum of thirty thousand dollars of the capital stock shall be paid in; no part of which shall be withdrawn or in any manner diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the capital stock of said company.

SEC. 50. *Be it enacted*, That so much of this act as relates to the Frankland Mining Company shall take effect from and after its passage.

Notly Vale Mi-  
ning Company.

SEC. 51. *Be it enacted by the General Assembly of the State of Tennessee*, That David Thompson, Caswell Walker, T. L. Hoyle, A. H. Keith, J. W. McMillen, W. C. Murdock, Jonathan Wood and T. D. Knight, are hereby constituted a body politic and corporate under the name and style of the "Notly Vale Mining Company," for the purpose of exploring and mining for copper, and other ores and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors for the period of ninety-nine years, with power to make and use a common seal, and to alter or change the same at pleasure; to make such by-laws not inconsistent with the laws of this State and of the United States, as it may deem proper and necessary for its government; in its corporate name to sue and be sued, plead and be impleaded, to hold by purchase or otherwise, and to dispose of the same in any way, any real estate, or personal property which may be useful or necessary for

carrying on its operations, or which it may become possessed of in payment of debts due to it, *provided*, always, that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

SEC. 52. *Be it enacted*, That the capital stock of said company shall not be less than one hundred thousand dollars, and not more than five hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares shall be fixed and agreed upon by the corporators, at their first meeting under this act; nothing but money or mineral property shall be regarded as a basis for capital stock. The stock to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company in person or by attorney. Capital stock.

SEC. 53. *Be it enacted*, That the corporators named in the fifty-first section of this act shall be the directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year; thirty days previous notice being given in some newspaper, published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year, but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number President, and shall appoint such other officers and agents as they may deem proper, and affix their salaries. Organization.

SEC. 54. *Be it enacted*, That all the stockholders not having paid their stock according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be liable individually for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter, or cause to be entered, on the minutes of the board his dissent thereto; or, if not present when the act is done, he shall so record, or cause to be re- Individual liability.

corded, his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 55. *Be it enacted*, That the said company shall not contract debts over and above the amount of capital stock paid in; no part of which shall be withdrawn or in any manner diverted from the business of the company, without the consent of three-fourths, in interest, of the stockholders.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed January 18, 1854.

## CHAPTER CCC.

AN ACT to incorporate the United Consols Mining Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, as follows*, That William Warne, Daniel F. Pilkington, Arthur Wellington Hart, and Nicholas Tressedder, their associates and successors are hereby constituted a body politic and corporate, by the name of the "United Consols Mining Company," for the purpose of exploring for copper, lead, iron, coal, and other ores, metals and minerals, and for mining, working, smelting and vending the same, and for such purposes may erect all necessary buildings, and other apparatus and fixtures for carrying on their operations, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any Court of law or equity, in all suits and actions, may have a common seal, and the same alter and renew at pleasure, and may enjoy all the privileges incident to corporations, and may purchase, hold, mortgage, transfer and convey any real and personal estate.

**Organization.** SEC. 2. That the first meeting of said corporation may be called by the persons named in this act, or a majority of them, at such time and place as they may select, and at such meeting a board of directors shall be chosen from among the stockholders by the vote of a majority of the stockholders present, at such meeting, and such board of directors shall take charge of the

operations of the Company, subject to such rules and regulations as may be adopted by the stockholders. That said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the Company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the Constitution and laws of the United States, and of this State.

SEC. 3. That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said Company, showing their place of residence and the number of shares of stock held by each respectively; and the time when they became respectively the owner of said shares, and the amount of stock actually paid in, which stock shall during the usual hour of each secular day, be opened at the place of business of said Company, for the inspection of the stockholders and creditors of the said Company and their representatives. Shall keep a book.

SEC. 4. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient, and may levy and collect assessments; forfeit and sell delinquent shares; declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct. May divide stock.

SEC. 5. That the said corporation shall not contract debts until the sum of seventy-five thousand dollars of the capital is paid in; no part of which shall be withdrawn, or in any manner be diverted from the business of the Company; and shall not contract debts at any time to an amount exceeding the capital stock of the said Company.

SEC. 6. This act shall take effect from and after its passage.

SEC. 7. *Be it further enacted*, That John King, Robert F. Cooke, John Hambright, Hugh M. D. McElrath, and Andrew L. Rogers, their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name and style of the "Silver Ridge Mining Company," and shall have all the powers and privileges, and subject to all the restrictions conferred on the New York and London Mining Company by this act, except the capital stock shall not be less than fifty thousand dollars. Silver Ridge Mining Company.

SEC. 8. *Be it further enacted*, That John J. Humphreys, Thomas H. Calloway, James H. Johnston, and Unaca Mining Company.

for the sale and transfer thereof, in such manner and form as they may deem expedient, and whenever said company shall, by purchase, lien, or otherwise, become possessed of any mine, mines, or mineral rights, without the limits of this State, the directors may make a separate and distinct interest of each mine, and divide such interest into such number of shares as they may deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares of said mines in such manner as their by-laws may direct.

Debts.

SEC. 18. Said corporation shall not contract any debts until the sum of fifty thousand dollars of the capital stock is paid in, no part of which shall be withdrawn, or in any manner diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the amount of capital stock of said company.

Boiling Fork  
Mining and  
Smelting Com-  
pany.

SEC. 19. *Be it further enacted by the General Assembly of the State of Tennessee,* That N. Robinson, Jr., John W. Fisher, and H. K. Walker, their associates, and successors, are hereby constituted a body politic and corporate, by the name of the "Boiling Fork Mining and Smelting Company," for the purpose of mining, working and smelting copper, lead, zinc, and iron ores, and coal, or any other minerals, metals, or ores, and also for exploring for and purchasing and vending the same, and for such purpose they may erect all necessary buildings, apparatus and fixtures for carrying on their mining and smelting operations, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits or actions, and have a common seal, and the same alter or renew at pleasure, and may enjoy the privileges incident to corporations, and may purchase, mortgage, hold, transfer or convey, real and personal estate.

Organization.

SEC. 20. That the first meeting of said corporation may be called by the persons named in this act, or a majority of them, at such time and place as they may select, and at such meeting a board of directors shall be chosen from among the stockholders present, in person or by proxy at such meeting, and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; that such directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations



for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the Constitution and laws of the United States and of this State.

SEC. 21. That the directors shall cause a book to be kept containing the names of all persons who are stockholders in said company, showing their places of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in, which book shall, during the usual business hours of each secular day, be open at the place of business of said company, for the inspection of the stockholders and creditors of said company and their representatives.

Shall keep a book.

SEC. 22. That the said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof, in such manner and term as they may deem expedient; and may levy and collect assessments; forfeit and sell the shares of delinquent stockholders; and declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct.

Division of stock.

SEC. 23. That the said corporation shall not contract debts until the sum of forty thousand dollars of the capital shall be paid in, no part of which shall be withdrawn, or in any way diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the capital stock of said company.

Debt.

SEC. 24. This act shall take effect from and after its passage.

SEC. 25. *Be it enacted by the General Assembly of the State of Tennessee,* That James Giddings, John Caldwell, John F. Hannah, Robert W. Fleming, and E. P. Douglass, are hereby constituted a body politic and corporate, under the name and style of "The East Tennessee and Maryland Mining and Smelting Company," for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence, to them and their successors, for the period of ninety-nine years, with power to make and use a common seal, and to alter or change the same at pleasure; make such by-laws, not inconsistent with the laws of this State and of the United States, as it may deem proper and necessary, for

East Tennessee and Maryland Mining and Smelting Company.

its government; in its corporate name to sue and be sued; plead and be impleaded; to hold, by purchase or otherwise and to dispose of the same in any way, any real estate or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of, in payment of debt due to it; *provided always*, that the first cost of any real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

**Capital stock.** SEC. 26. *Be it enacted*, That the capital stock of any company shall not be less than two hundred thousand dollars, and not more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the company at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock—the stock to be subscribed and paid for, as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferred only on the books of the company in person, or by attorney.

**Organization.** SEC. 27. *Be it enacted*, That the corporators named in the twenty-fifth section of this act shall be the directors for the first year, and until others are elected in their stead. The annual meeting of the company shall be held at such times and places as the board of directors may determine from year to year—thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year: but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

**Individual liability.** SEC. 28. *Be it enacted*, That all the stockholders not having paid for their stock according to the terms of subscription, shall be individually liable to the creditors of the company, to the amount so remaining unpaid; in like manner shall the directors be liable individually for any amount they may declare and authorize to be paid to the stockholders as dividends when the company shall be unable to pay the debts due by it. To avoid such liability on his part, the director

ing director shall enter or cause to be entered on the minutes of the board his dissent thereto; or, if not present when the act is done, he shall so record or cause to be recorded his dissent thereto, within thirty days after such dividend shall have been authorized.

Sec. 29. *Be it enacted*, That the said company shall not contract any debts over and above the amount of capital stock paid in; no part of which shall be withdrawn or in any way or manner diverted from the business of the company, without the consent of three-fourths, in interest, of the stockholders.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed March 1, 1854.

## CHAPTER CCCL.

AN ACT to charter the Cincinnati, Cumberland Gap and Charleston Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Houston, Hugh Graham, Walter R. Evans, Thomas J. Johnson, Frank Fulkerson, L. A. Garrett, William M. Cocks, Thomas W. Turley, L. D. Franklin, Milton Shields, Obediah Boaz, and William McFarland, and their associates, who shall be stockholders in a railroad company, and their successors, under the name and style of the Cincinnati Cumberland Gap and Charleston Railroad Company, are hereby declared to be a body corporate and politic under the laws of Tennessee, with succession for ninety-nine years and a common seal, with a capacity to sue and be sued, receive and enjoy to them and their successors property and estate of whatever value and quantity, and the same to alien, transfer and dispose of so far as may be necessary to carry into effect the main object of this charter, which is hereby declared to be the construction, use and maintenance of a railroad from Cincinnati on the Ohio river, or some point nearer Cumberland Gap than Cincinnati, already having railroad connection therewith, through Cumberland Gap and the valley of the French Broad river, near

Paint Rock, the Southern boundary line of the State of Tennessee, to Charleston, South Carolina, or some point nearer Cumberland Gap than Charleston, already having railroad communication with Charleston.

May connect  
with other  
roads.

SEC. 2. *Be it further enacted*, That said company shall have power to unite with any company chartered, or that may be chartered by the legislature of the State of Kentucky, for the construction of a railroad from Cincinnati, Paris, Louisville, Lexington, or any other point nearer Cumberland Gap than Cincinnati, to the boundary line of the State of Tennessee at Cumberland Gap, to unite with the railroad from Charleston as aforesaid; and that said company shall have power to unite with any company that has been, or may be chartered by the Legislature of the State of North Carolina or South Carolina, for the construction of a railroad from Charleston, South Carolina, or some point nearer Cumberland Gap than Charleston, to the boundary line of the State of Tennessee, to unite with the said road from Cincinnati, Paris, Louisville or Lexington, as aforesaid, and to consolidate said railroads, and the stock of said companies, in such manner, and upon such terms as said company may deem best.

Capital stock.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, to be divided into shares of twenty-five dollars each; and said company shall have power to increase the capital stock of said company to two millions of dollars; *provided*, that at all the meetings of said stockholders where a vote is to be taken, each stockholder shall be entitled to vote in person or by proxy; and in the election of directors and all other elections which may come before the stockholders, the vote shall be taken according to the provisions of the charter of the East Tennessee and Virginia railroad company; *Provided further*, that whenever fifty thousand dollars of said stock is subscribed, said company may organize and elect a board of directors, who may elect a president from their number, as prescribed in the East Tennessee and Virginia railroad company; who, when elected, shall be president of the board of directors and of the company; and no person shall be president or director of said company, unless he is the owner of at least twenty-five shares of the capital stock of said company, which he shall have held at least three months previous to his election, except the first.

SEC. 4. *Be it further enacted*, That the aforesaid William Houston, Hu. Graham, Walter R. Evans, Thomas

J. Johnson, Frank Fulkerson, L. A. Garrett, William M. Commissioners  
 Cooke, Thomas W. Turley, L. D. Franklin, Milton  
 Shields, Obediah Boaz, and William McFarland, be, and  
 they are hereby constituted a board of commissioners, a  
 majority of whom may act to manage all the affairs of  
 said company, until it shall be organized by the election  
 of a board of directors, as aforesaid, to procure sub-  
 scription of the stock by themselves, or by the appoint-  
 ment of agents for that purpose, or in such manner as  
 they may deem best, to provide for experimental sur-  
 veys of routes for said road, or any part thereof, and for  
 the payment of the same, and for procuring said sub-  
 scription of stock out of such call on the stock subscri-  
 bed for as they may deem advisable, according to the  
 provisions of the charter of the East Tennessee and  
 Virginia railroad company; *provided*, they shall not be  
 required to require the payment of any part of the stock  
 subscribed for at the time the same is subscribed for  
 and taken.

Sec. 5. *Be it further enacted*, That said company  
 shall have the right, when necessary, to construct said Public roads or  
 road across or along any public road or water-course; water-courses.  
*Provided*, that said company shall not obstruct such pub-  
 lic road or water-course; and should said company run  
 said road upon the line of any turnpike road, it shall  
 and may be lawful for said company to make such con-  
 tract or arrangement with said turnpike company, as  
 may be deemed best by the parties.

Sec. 6. *Be it further enacted*, That whenever said  
 company shall have completed that part of said road  
 from Cumberland Gap to the East Tennessee and Vir-  
 ginia Railroad, or to the southern boundary line of the  
 State of Tennessee, they shall have all the rights and  
 privileges conferred by this charter, for the period of  
 ninety-nine years.

Sec. 7. *Be it further enacted*, That the commissioners,  
 or the directory of said road, shall have the power to  
 open books for stock at any time or place they may  
 think proper, and that said company shall have ten years  
 to complete said road.

Sec. 8. *Be it further enacted*, That said company  
 shall be and they are hereby vested with all the rights, General pow'rs  
 powers and privileges, and subject to all the restrictions and privileges.  
 and liabilities of the Nashville and Louisville Railroad  
 Company, except otherwise provided for in this charter.

Sec. 9. *Be it further enacted*, That the Cincinnati,  
 Cumberland Gap, and Charleston Railroad Company, May increase  
 shall have the power to increase the capital stock of capital & issue  
 bonds.

said company to an amount sufficient to complete said road; and that said company be, and they are hereby authorized to borrow on the credit of said company, a sum of money not exceeding one million of dollars, and may issue the bonds of said company for the amount borrowed, payable at such times and bearing such rate of interest as said company may determine, and shall have full power to secure the payment of said bonds by a mortgage or deed of trust on the road, property and franchise of said company; *Provided*, that nothing herein contained, shall be so construed as to effect or impair the lien which the state may have on the road, property or stock of said company by any act of the legislature of this State.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, November 18, 1853.

## CHAPTER CCCII.

AN ACT to incorporate the Blountville, Middleton and Elizabethton Turnpike Company and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Rhea, Robert Fickle, Samuel Snapp, Abraham Tipton, David McClelland, George McClelland, George Gammon, George Pile, George Greenway, James James, F. D. Masengill, Henry Anderson, Andrew Shell, of Sullivan county; William C. Emmett, T. J. Powell, Henry O. Renfree, D. S. Stover and M. M. Folsome, of Carter county, are hereby appointed commissioners to open books to receive subscriptions to the amount of twenty thousand dollars for the purpose of opening a turnpike road to be called the Blountville, Middleton and Elizabethton Turnpike, to begin at and run from a point near Catron's Camp Ground, to be laid out on the most convenient and practicable route, so as to pass through or near Blountville, Middleton and Elizabethton. The said sum of twenty thousand dollars shall be divided into shares of twenty

dollars each, and the subscriptions shall be made in person or by attorney, regularly authorized. But if a smaller sum be sufficient to build said road, then the capital may be reduced to any sum that may be sufficient for said purpose. The commissioners heretofore appointed shall open books in Blountville, Middleton, Elizabethton and such other places as they may deem expedient, on the first Monday in May, 1854, or as soon thereafter as they may think advisable, and as soon as fifteen hundred dollars are subscribed, a meeting of the stockholders shall be held at Blountville, in the county of Sullivan, of which meeting, the managers of the subscription shall give twenty days' notice at all the most public places on the line of said road, after which first meeting the stockholders shall be, and are hereby constituted a body politic and corporate, by the name and style of the Blountville, Middleton and Elizabethton Turnpike Company, and together with those who afterward subscribe for and purchase stock, shall be constituted, and may own, sell and buy property; sue and be sued in their corporate name and character, and possess all the rights, privileges and powers appertaining to bodies corporate and politic by law, and shall have succession for ninety-nine years. The subscribers, or majority of them being present at the first meeting, either in person or by proxy, shall elect seven directors, who shall be stockholders, who shall elect one of their number, president of the board of directors, and the president and directors thus chosen shall continue in office two years, and until another election shall take place to fill their places, of which notice shall be given at all the most public places along the line of said road. The president and directors thus chosen shall have power to open books and receive subscriptions to the amount of the capital stock hereby granted, or to any amount sufficient to build said road, they shall lay out the road along the best, nearest and most practicable route, and shall have power to make contracts for the opening and constructing said road, and may, from time to time, call such payments on the stock subscribed as the debts of the company may require, but no more than two dollars and fifty cents on each share shall be called for at any one time, of which twenty days' notice shall be given. Said president and directors may also appoint a clerk and treasurer, and such other officers as may be necessary, and transact all the business of said company, and prescribe the duties and fix the pay of its officers and agents.

Organization &  
gen'l pow'rs.

**Sec. 2. *Be it enacted,*** That if any subscriber shall fail to pay any call or calls that are made, as prescribed in this act, he shall be liable to be sued therefor by said company, before any tribunal having cognizance thereof, or the said company may proceed and sell the stock of such delinquent subscriber, and the purchaser thereof shall have all the rights and be subject to the liabilities of the original owner; and if upon sale of the stock of such delinquent subscriber, it shall bring more than the call and costs, the overplus shall be paid to said subscriber.

**Sec. 3. *Be it enacted,*** That any subscriber as aforesaid, shall have the privilege to discharge the shares he may have subscribed in said road in work thereon, to be valued at the cash value, by three disinterested persons, chosen jointly by the said subscribers and the president and directors, if not agreed upon by the said parties.

**Sec. 4. *Be it enacted,*** That said road shall be made under the style of a graded road, equal to a first class road, or as near so as practicable, according to the laws of Tennessee, at all places where the ground over which said road passes, will admit of it to be done, and shall erect bridges and causeways where necessary.

**Sec. 5. *Be it enacted,*** That said company shall be governed by the same rules and restrictions, and have the same privileges, and be subject to the same liabilities as are prescribed in the 3d, 4th, 5th, 6th, 7th and 8th sections of the act of 1846, chap. 81, incorporating William C. Story a corporate sole to open and keep in repair a turnpike road in Cocke county, not inconsistent with the foregoing provisions of this act; but the said company shall have ten years to open and complete said road after the passage of this act.

**Sec. 6. *Be it enacted,*** That all persons who shall become stockholders pursuant to this act, shall be and are hereby constituted a body politic and corporate, by the name and style of the Woodbury and Sparta Turnpike Company, and by that name may sue and be sued; plead and be impleaded; and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law, for the space of ninety-nine years, and shall have succession.

**Sec. 7. *Be it enacted,*** That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing the same to one hundred thousand or any amount that may be deemed necessary for the com-



pletion of said road; said capital stock to be divided into shares of twenty-five dollars each.

**Sec. 8.** *Be it enacted,* That the following persons are hereby appointed commissioners for the purpose of opening books and receiving subscription of stock, viz : William Barton, R. H. Mason, F. Coleman, E. Stephens, Dr. C. T. New, Joseph Spurlock, William Allen, John S. Alexander, Samuel E. Burger, John C. Martin, John Chappel, D. F. Weedon, Lewis Jetton, Henry Hays and W. T. McBrown of Cannon county; and Reuben Blue, Joseph Hawkins, R. T. Wommaek, Joseph D. Walden and — Webb, of Warren county; and William Templeton, Alex. C. Mare, William Knowles, sr., P. C. Austin, Edward Real, Seybourn Holland, William Bosson, William P. Goodbar, Joseph Snodgrass, of White county, and the said commissioners appointed in the several counties, shall open books and receive subscriptions of stock at such places as they may select, after giving twenty days' notice of the time and place of opening books, and so soon as it shall be ascertained that five thousand dollars have been subscribed, they shall call a meeting of the stockholders by such public notice as they may deem necessary, which meeting shall be held at Woodbury, Cannon county, and at said meeting said stockholders, or a majority of them being present or represented by others, under the powers of an attorney, shall elect five directors (every stockholder being entitled to one vote for each share) who shall be stockholders, and of whom said directors shall choose one of their body president, and said president and directors shall remain one year or until their successors shall be elected, which shall be done at the expiration of each year, from the time of the first election, and in the same manner, of which time and place twenty days' notice shall be given by the president; and the said president and directors shall have all the powers, and perform all the duties necessary in locating said road between the points hereinafter specified, letting out contracts for the construction, appointing necessary officers, receiving subscriptions and disbursing the funds of the company, together with the general superintendence of the construction of the road, erecting gates for toll, and in otherwise governing and managing the affairs of the road, and determining by their by-laws the manner of adjusting and settling all accounts against, and also the evidence and manner of transfer of stock in said company.

**Sec. 9.** *Be it enacted,* That the president and direc-

tore or any three of them shall be sufficient to transact the business confided to them, and all vacancies happening in the board between the regular meeting of the stockholders, shall be supplied by the stockholders, two-thirds being present.

**Route of road.** SEC. 10. *Be it enacted*, That immediately after the election of the directors, they, or a majority of them, or such other person or persons as they shall appoint, shall proceed to designate, mark out and locate said road, commencing at the terminus of the Murfreesboro' and Woodbury turnpike, running thence to the falls of Caney Fork, and from thence to Sparta, in White county.

**Style of road.** SEC. 11. *Be it enacted*, That the company may grade the road sixteen feet wide, without rock or gravel; and there shall be sufficient ditches and culverts on each side to convey off the water and drain the same, and shall gradually descend from the centre to the ditches; and substantial bridges shall be built where necessary, and said directors shall designate when and where said road shall be paved with rock or gravel, and where bridges shall be built.

**Gates and tolls.** SEC. 12. *Be it enacted*, That when any ten miles of the road shall be graded, the company shall be entitled to erect one gate, and so on every ten miles thus graded, and when any five miles shall be completed with rock or gravel, the company shall be entitled to erect one gate, and so on every five miles thus completed; *Provided*, said company may erect one gate in three miles of the terminus of the Murfreesboro' and Woodbury turnpike, and collect the same rate of toll as prescribed by law, in the Murfreesboro' and Woodbury turnpike, or any amount below the same that the directors may designate.

**Stock paid in work.** SEC. 13. *Be it enacted*, That the stockholders shall have the privilege of paying the amount of their stock, or any part thereof, in work upon the road in its construction, or in money as the company shall order; and in letting out contracts for building the road, the directors shall give a preference to the stockholders who desire to take contracts; *Provided*, said stockholders will undertake such contracts upon as good terms as they can be let to others.

**Damages.** SEC. 14. *Be it enacted*, That if any person over whose land said road may run, claim damages for the same, and be, and the company cannot agree upon the amount, he may apply to the circuit court at its next or any subsequent term, by petition, setting forth the nature of the case; and the court shall appoint a jury of five disinter-

ested persons to go upon the premises, and after being sworn by the sheriff, assess the damages which in their judgment the petitioner has sustained by said road running through his or her land, or through the land of his or her ward, in case of minors; which assessment of damages shall be made out and signed by said jury, and returned to the next term of the court; and a judgment shall be entered and execution issue for the same, against the president and directors, in favor of the person entitled to the same. In making out their report, the said jury shall take into consideration the advantages of said road to the petitioner. The property in said road, when completed, shall vest in said company and their successors, for the purpose of a highway, which shall be free to all persons on the terms and conditions herein prescribed, and the same shall not be liable to taxation.

**Sec. 15. *Be it enacted,*** That the president and directors may purchase for the use of said company, any quantity of land not exceeding fifty acres, adjacent to each toll-gate, and take conveyance therefor to themselves and their successors; and for the purpose of making said road and keeping it in repair, the said president and directors, or their agents, or their servants may cut, dig, quarry and take from any land adjoining said road, such timber, gravel stone or earth as may be necessary for constructing and keeping in repair said road; and if any person from whose land any timber may be taken, shall conceive himself injured, and the amount of damages cannot be agreed upon between himself and said company, the matter shall be settled in the same manner as prescribed in the 9th section of this act.

**Sec. 16. *Be it enacted,*** That if any person should refuse to pay the toll hereby granted and authorized to be collected, at the time of offering to pass, the toll-gatherer may lawfully refuse the passage of such person or persons, or things subject to toll; or if any article or thing liable to toll shall, by any means, pass without payment, when demanded by the toll-gatherer, the company may by warrant from any justice of the peace, recover from the owner, or person or persons in possession of the article or subject of toll, five dollars for each offence. Refusal to pay toll.

**Sec. 17. *Be it enacted,*** That the president and directors may, from time to time, require such advances on the shares subscribed as the wants of the company may require; *Provided*, no call be made for more than five dollars on each share at any one time; of which, twenty Call on stock.

days' notice shall be given in writing, addressed to each stockholder at his nearest post office; and if at any time a stockholder shall fail to pay such instalments on his stock at the time and in the manner prescribed, the board of directors at the time being, shall have full power to declare such stock forfeited, and shall, after giving ten days' notice thereof, offer the same for sale to the highest bidder, for cash, (at least five days' notice of the time and place of sale being given to the said stockholder,) and the number of shares so sold shall be transferred by the president of the board of directors to the highest bidder, who shall, by virtue of such transfer, become a member of said company; and if the same be not equal to the amount paid and the call for which it is sold, the company may proceed to collect the residue from the original stockholder by suit in any court or tribunal of this State having jurisdiction thereof; and judgments rendered for instalments of stock, shall not, if rendered by a justice of the peace, be subject to stay of execution.

Sec. 18. *Be it enacted*, That if said company shall not begin said road within ten years after the passage of this act, and complete the same within six years thereafter in the manner herein provided, this charter shall be forfeited.

Sec. 19. *Be it further enacted*, That Josephus Walker, Mark Whitaker, John Clemmons, W. L. Clemmons, J. Chandler, Zarah Harraldson, Jack Baird, James Hamilton, Sterlin Hardy, Ira McFarland, and others, be, and they are hereby incorporated for the purpose of constructing a turnpike road from Stuart's Ferry, in Davidson county, to Baird's Mills, in Wilson county, under the name and style of the Stewart's Ferry and Baird's Mill Turnpike Company, to exist as a body politic and corporate for the term of ninety-nine years.

Sec. 20. *Be it enacted*, That the persons mentioned in the foregoing section of this act, or any five of them, be, and they are hereby authorized to open books for subscription of stock to build said road, in shares of twenty-five dollars, to be paid in labor or money, as said company may determine. The capital stock not to exceed thirty thousand dollars.

Sec. 21. *Be it enacted*, That said company may commence the construction of said road when the sum of five thousand dollars is subscribed; and they shall have power and authority to open a gate so soon as five miles thereof is or may be completed; and for every additional five miles said company may complete of said road,

they may open an additional gate, and charge the same rates of toll as is now charged on the Lebanon and Nashville turnpike road. Said road shall be sixteen feet wide, varying from two to three degrees, and finished after the same manner as the Lebanon and Nashville road.

SEC. 22. *Be it enacted*, That the persons whose names are mentioned in the 19th section of this act, or any five of them, shall, after the sum of five thousand dollars <sup>Organization.</sup> shall have been subscribed, and before they shall commence the construction of said road, elect from their body a president, secretary and treasurer of said company, who shall hold their office for one year.

SEC. 23. *Be it enacted*, That when said company is organized as provided for in this act, they shall have power to make such regulations, and pass such by-laws as may be necessary for its government; *Provided*, such regulations and by-laws do not conflict with the constitution of this State.

SEC. 24. *Be it enacted*, That said company shall have five years to complete their road in, from and after the passage of this act; and that said company may sue and be sued, plead and be impleaded by their corporate name; and service of process against any of the officers of said road, shall be sufficient to compel the appearance of said company in any suit or action; and that said company may have and use a seal, and such regulations for the government of said road, as may be determined on by a majority of the stockholders.

SEC. 25. *Be it enacted*, That said company may have the privilege of uniting, at their discretion, with the Stone's river and Statesville road, at any point they may agree upon; *Provided*, there is not more than one gate for every five miles.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CCCIII.

AN ACT to amend the laws in relation to the School Lands, which have been leased, or which may hereafter be leased in Polk county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the lessees of school lands, or of the mineral interest in the school lands of Polk county, shall pay such annual rents as may accrue to the school fund of that county, or any district thereof, to the County Trustee of said county of Polk, and his receipt therefor shall be a sufficient voucher to the lessees, in any settlement he or they may make with the commissioners from whom the lease has been taken.

SEC. 2. *Be it enacted*, That the County Trustee shall hold any funds paid to him, according to the provisions of the foregoing section, as a fund belonging to the district, for the benefit of which the lease has been made; and shall pay out said fund for the benefit of such district, in the same manner, and subject to the same laws as the school fund for such district or districts derived from the school fund of the State, is now paid.

SEC. 3. *Be it enacted*, That the Trustee and his sureties, shall be liable for a faithful compliance on his part with the duties hereby enjoined, in the same manner that they are now liable, so far as relates to the general school funds, which may come to his hands for distribution to the various districts of his county.

WM. H. WISENER

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CCCIV.

AN ACT to charter the Paducah and Tennessee Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John H. Dunlap, C. D. Venable, B. C. Brown, Givey Cox, James Cook, Robert Caldwell, of Henry county, Tenn., R. K. Williams. William Beadle, R. S. Mays, L. Anderson, of Graves county, Ky.

A. Boyd, L. S. Trimble, L. M. Flarnay, J. M. Bigger, Wm. Smedley, A. Rankin, D. Watts, Wm. Nolin, R. S. Ratcliffe, J. B. Husbands, G. H. Morrow, H. M. McCarty, J. C. Calhoun, Samuel Rice, John H. Ferrell, and Sam. Purcell, of McCrackin county, Kentucky, with such other persons as shall associate with them for that purpose, are constituted a body politic and corporate, by the name of the Paducah and Tennessee Railroad Company; and by that name to sue and be sued, plead and be impleaded in any court of this State; to make and have a common seal, and the same break, alter and renew at pleasure; and this company is hereby vested with all powers, privileges and immunities which are, or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth; and said company is hereby authorized and empowered to locate, construct and finally complete a railroad or way, with as many sets of tracks as they may deem proper, from some suitable point at the town of Paducah, or any point in the New Orleans and Ohio railroad, to the south boundary of Kentucky, in a direction to Paris or other point in Henry county, Tennessee, on such route as shall be deemed best and most expedient, and transport, take and carry property and persons upon said railroad or way, by the power and force of steam, or animal, or of any mechanical or other power, or any combination of them which said company may choose to apply; and for the purpose of constructing said railroad or way, the said company is hereby authorized to lay out the road not exceeding one hundred feet wide through the whole length; and for the purpose of depots, cuttings and embankments, and for the purpose of necessary turn-outs, and for obtaining stone and gravel, may take as much more land as may be necessary for the construction and security of said road, with permission to make any lawful contract with any other railroad corporation in relation to the business of said company; and also to make joint stock with any other railroad corporation; *Provided*, that all damage that may be occasioned to any person or persons, or corporation, by taking of any such land or materials aforesaid, for the purposes aforesaid, shall be paid for by said company in the manner hereinafter provided.

SEC. 2. *Be it enacted*, That the capital stock of said company shall not exceed one million five hundred thousand dollars, to be divided into shares of fifty dollars each; which shares shall be deemed personal property, and may be transferred in such manner and at such

places as the by-laws of said company shall direct; *Provided*, that said company may commence the construction of said road with all the powers and privileges contained in this act, whenever the sum subscribed to the capital stock shall exceed two hundred thousand dollars.

**Subscriptions of stock.** SEC. 3. *Be it enacted*, That the persons named in the first section of this act, or a majority of them, shall open books to receive subscriptions to the capital stock of said company, at such times and places as they or a majority of them may appoint, and shall give such notice of the time and place of opening said books, as they may deem proper, and shall receive said subscriptions under such regulations as they may adopt for the purpose, and if more than six thousand shares of stock shall be taken or subscribed, they shall have the power to make the shares, as subscribed, the capital stock of said company; *Provided*, they shall not exceed thirty thousand shares, and in case the subscription shall exceed thirty thousand shares, the same shall be reduced and apportioned in such manner as may be deemed expedient and beneficial to the corporation.

**Organization.** SEC. 4. *Be it enacted*, That the immediate government and directors of the affairs of said company, shall be vested in a board of directors to consist of twelve persons, who shall be shareholders, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, and shall hold their offices until others are duly elected and qualified to take their places as directors, and the said directors, seven of whom, the president being one, shall be a quorum for the transaction of business, shall elect one of their number to be president of the board, who shall also be president of said [company,] they shall also choose a secretary and such officers as they may deem necessary, and a treasurer, who shall give bond with security, to said company in such sums as the directors may require, for the faithful performance of his trust.

**First meeting.** SEC. 5. *Be it enacted*, That the persons authorized by the third section of this act to open the books for subscription to the capital stock as hereby authorized, after the books of subscription to the capital stock of said company are closed, or when the sum subscribed shall exceed two hundred thousand dollars, to call the first meeting of the stockholders of said company in such way and at such time and place as they may appoint, for choice of directors of said company, and in all meetings of the stockholders of said company, each



share shall entitle the holder thereof to one vote, which vote may be given by said stockholder in person or by lawful proxy, and the annual meeting of the stockholders of said company for the choice of directors, shall be holden at such time and place and upon such notice as the said company in their by-laws may provide.

Sec. 6. *Be it enacted*, That in case it shall so happen that an election of directors shall not be made in any day appointed by the by-laws of said company, said company shall not, for that cause, be deemed to be dissolved, but such election may be holden on any other day which shall be appointed by the directors of said company, and said directors shall have power to fill any vacancy which may occur by death, resignation or otherwise. Irregular election and vacancies.

Sec. 7. *Be it enacted*, That the directors shall have full power to make and prescribe such by-laws, rules and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate and effects of said company, not contrary to this charter, or the laws of this State or of the United States; the transfer of shares, the duties and conduct of their officers and servants, touching the election of and meeting of the directors, and all matters whatsoever which may appertain to the concerns of said company; said company is also hereby authorized to purchase, receive and hold such estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyors, engineers and servants, enter upon all lands and tenements through which they may deem it necessary to make said road, and to survey, lay out and construct the same, and to agree and contract for the land or right of way with owners through which they may intend to make said road, in case said lands belong to the estate of any deceased person, then with the executor or administrator of such, or in case of the same belonging to a minor or person *non compos mentis*, then with his or her guardian or guardians, or in case said lands be held by trustees of school sections or other trustees of estates, then with such trustees, and the said executors, administrators, guardians and trustees, are hereby declared competent for such estate or minor, to contract with said company for the right to use, occupy and possess the lands of such estates, minors or trustees, so far as may be useful or necessary to the purpose of said railroad, and the act and deed of such executors, administrators, guardians and trustees, in relation there- Right of way.

to, shall pass the title in the same manner as if said deed or act was made or done by a legal owner of full age, and such executor, administrator, guardian or trustee, shall account to those interested upon their respective bonds for the amount paid him in pursuance of such agreement and compensation, and if the said company and parties representing lands, prefer, they may refer the question of compensation to arbitrators, mutually chosen, whose award or that of their umpire in case of a disagreement, shall vest title according to its terms.

Assessment of  
damages.

Sec. 8. *Be it enacted*, That if the said company cannot agree with the owner of the land through which they may desire the road to pass or with the executor, administrator, guardian or trustee, it shall and may be lawful for the clerk of the circuit court of the county in which said lands lie, on application of said company or its agents, and he is requested to issue a writ of *ad quod damnum* commanding the sheriff that without delay he cause a jury of six good and lawful men, to be upon such land on a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian or trustee, at least five days before such day, if they be within his county, or if not, or if the owner or owners be unknown, then notice shall be given by advertisement, to be by said sheriff posted and fixed on the dwelling house, if such there be, or in a public or conspicuous place, at least five days' before such appointed day, and also by advertising the same in some newspaper published nearest the land at least three weeks, by weekly insertions, prior to said day, and then cause said jury, after being duly sworn by said sheriff or justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate, by reason of making such road through such lands; if any such juror shall fail to appear, or by reason of challenge for cause or otherwise, fail to set on such inquest, the said sheriff shall fill said jury from the by-standers, and if they fail to render a verdict, the said sheriff shall again, on the same or a subsequent day, empanel a new jury or jurors, until a verdict be had; such verdict and inquest regularly certified by such sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may be, and there remain among the records, and such verdict shall vest in said company the right to occupy, and use such land for the purpose of said railroad on the payment or tender of payment of the damages therein assessed against said company,

and in case of persons absent or unknown as aforesaid, the placing of the amount of damages to the credit of the owner in the hands of the clerk of the county court for the county in which such lands may lie, shall be deemed and taken as payment, and such clerk shall be liable on their bonds to make due payment of said money on demand.

SEC. 9. *Be it enacted*, That it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in case of absence aforesaid; in which case thirty days shall be allowed him, and five days in additional allowed him for every additional jury which he may have under said writ; and for every default therein, the said sheriff shall be fined by the circuit court at the instance of either party, not less than twenty, nor more than one hundred dollars; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance; of all such fines as well as costs the circuit court of the county shall have jurisdiction. There shall be allowed the following fees to the clerks of the circuit court: for every writ of *ad quod damnum*, seventy-five cents; to the sheriff for giving notice, seventy-five cents, besides printer's fees not exceeding two dollars in each case; for holding inquest, five dollars; and for summoning witnesses, twenty-five cents each; to jurors seventy-five cents per diem; which fees are not allowed until a verdict be returned and filed, and shall be taxed in the bill of cost and paid by the company; *Provided*, however, that before the application for said writ, the said company may make a tender to the owner or owners of any such land, a sum of money by them deemed equivalent to the damages to be sustained; and upon refusal to accept the sum tendered, and a verdict for the same amount or a less sum, the cost shall be taxed to, and paid by the owners of the land upon which inquest is held.

SEC. 10. *Be it enacted*, That it shall and may be lawful for any of the counties through which said road may pass, and they are hereby permitted to subscribe and hold stock in said company, upon the same terms and conditions, and subject to the same restrictions with other stockholders; *provided*, however, that a majority of the qualified voters in such county who shall cast their votes as herein provided for, shall be in favor of the subscription of such stock, and that no one county shall subscribe stock in said company to a larger amount than one hundred and fifty thousand dollars.

corporation and necessary for the transaction of the business for which it is incorporated ; may have and use a common seal, alter and destroy at will, and have perpetual succession for its members.

**Commissioners** SEC. 19. *Be it enacted,* That the capital stock of said company shall be two hundred thousand dollars, and if that amount should be insufficient to build the road, it may be increased to an amount necessary for its construction, to be divided into shares of twenty-five dollars each, and that the following named persons, John D. Brewster, John H. Webster, D. Allen, Ed. Stegar, E. S. Tappan, — Bailey and Simmons Cogbill, are hereby appointed a board of commissioners, a majority of whom may act, who may at such times, places and upon such terms as they may deem proper, dispose of, open books for subscription of stock, and as to this road, shall have all the rights, powers and privileges as are conferred upon the commissioners of the Mississippi, Tennessee and Central railroad company, and whenever thirty thousand dollars shall have been subscribed, the **Organization & powers.** company shall be considered as formed, then the commissioners shall proceed to survey the route, and make an estimate of the cost of construction, and whenever the sum of fifty thousand dollars shall be subscribed the commissioners shall proceed, in the manner specified as in the second section of an act incorporating the Macon Branch Railroad company, in Fayette county, for the election of directors, and that the same number of directors for this company shall be elected, and hold their offices for the same length of time, and the same provisions of said company, shall be applicable to this company as are made for in the above mentioned section second.

**May amalgamate stock.** SEC. 20. *Be it enacted,* That this company is hereby authorized and empowered to amalgamate their stock with or transfer it to the Mississippi, Tennessee and Central railroad company, and all the rights, powers, privileges and restrictions as are granted to the Macon Branch railroad company in section third of the act incorporating the company, are hereby conferred on this company, with the exception that the rights, powers and privileges of the Memphis and Charleston railroad company; the rights, powers and privileges of the Mississippi, Tennessee and Central railroad company are, so far as they are applicable, conferred upon this company.

SEC. 21. *Be it enacted,* That for the purpose of establishing a communication by railroad from the town of

or acts whatsoever whereby any building, construction or works of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be deemed guilty of a misdemeanor, and shall forfeit and pay to said company double the amount of damages sustained by reason of such offenders or injury, to be recovered in the name of said corporation, with cost of suit, by action of debt. Penalty for obstruction or injury.

SEC. 15. *Be it enacted*, That the directors of said company may require the payment of the sum or sums subscribed to the capital stock of said company, at such times, and in such proportions, and upon such conditions as they may deem fit; and in case any stockholder shall refuse or neglect to make payment pursuant to the regulation of the board of directors, the stock of such stockholders may be sold by the directors of said corporation at public auction, after the lapse of ninety days from the time when the payment became due; and the surplus money, the avails of such sale, after deducting the payments due and the interest thereupon, and the necessary expenses of sale, shall be paid over to such delinquent stockholder. Payment of stock.

SEC. 16. *Be it enacted*, That the property owned by said company shall at all times be subject to taxation in the same manner, and to the same extent as similar property owned by private individuals. Property taxable.

SEC. 17. *Be it enacted*, That if the said railroad shall not be commenced within five years from the passage of this act, and shall not be finished within this State in ten years from the time of the commencement thereof, then this act shall be null and void.

SEC. 18. *Be it further enacted*, That for the purpose of establishing a railroad communication from the town Moscow in the county of Fayette, in the direction of Holly Springs in the State of Mississippi, the formation of a company is hereby authorized, which, when formed, shall be a body politic and corporate by the name of the Holly Springs and Moscow Branch of the Mississippi, Tennessee and Central Railroad Company or by any other name the company may hereafter assume, and by that name or the name assumed, may be capable, in law or otherwise, to purchase, hold and convey real and personal estate, solely for the necessary use and construction of said road; may make contracts; sue and be sued; plead and be impleaded; make by-laws, and do all other lawful acts properly incident to a Holly Springs and Moscow Branch.

son or by proxy, of the stockholders, one vote for each share owned; and if upon a failure to make an election on the day appointed, the corporation shall not be thereby dissolved, but another day may be appointed by said commissioners to hold the election in the manner aforesaid prescribed.

May amalga-  
mate stock.

SEC. 23. *Be it enacted*, That said company is hereby authorized and empowered to amalgamate its stock with, or transfer it to the Memphis and Charleston railroad company by the unanimous consent of all the stockholders; which said amalgamation or transfer shall carry with it all the rights, privileges and immunities of said company; and that all the rights, powers and privileges of the Memphis and Charleston railroad company, so far as they are applicable, are hereby conferred upon this company.

WM H. WISENER,

*Speaker of the House of Representatives,*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 1, 1854.

## CHAPTER CCCV.

AN ACT to amend the charter of the Franklin and Carter's Creek Turnpike Company, passed January 17, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Franklin and Carter's Creek Turnpike Company, be, and the same is hereby so amended as to authorize said company to construct a branch road from a point in the Franklin and Carter's Creek Turnpike road, where the Hillsborough road now leaves said turnpike road, to the Nashville and Hillsborough Turnpike, near the town of Hillsborough.

Style of road. SEC. 2. *Be it enacted*, That said branch road shall be graded twenty-five feet wide and within five degrees of a level, covered with fine beaten stone or gravel fifteen feet wide and nine inches deep, with suitable ditches or drains on each side, leaving thirteen feet grade for a summer road.

SEC. 3. *Be it enacted*, That all the privileges, powers.

rights and immunities of the Franklin and Carter's Creek Turnpike Company be extended to this branch road.

SEC. 4. *Be it enacted*, That for the purpose of constructing a turnpike across the Obion bottom in Obion county, on the road leading from Trenton to Troy, and bridging the Obion river and the sloughs in said river bottom, William Robison and Jo. Keith and the survivor of them, and their associates and assignees, shall constitute a body corporate by the name and style of the Robinson and Keith Turnpike and Bridge Company, and by that name they shall sue and be sued, plead and be impleaded, answer and be answered unto in any court in this State or the United States, and have perpetual succession for the period of ninety-nine years. They shall have the power and privilege of constructing a turnpike across the Obion river bottom in Obion county, on the road leading from Trenton to Troy, upon or near the old road bed, and of erecting a bridge across said river and the sloughs in the river bottom ; *Provided*, that they may, if they think proper, keep up a ferry across the river, instead of a bridge, for the period of five years.

Robinson and  
Keith Tp. and  
Bridge Co.

SEC. 5. *Be it enacted*, That said company shall throw up a levy, and causeway the same, and bridge the sloughs across said river bottom above high water mark, and twelve feet wide, and put a good, substantial bridge across said river, and have the same completed by the first of November, 1854, except the bridges across the river, which they shall have completed in five years from the passage of this act ; and they shall keep said bridges and levy in good repair, and while they keep up a ferry they shall keep good and substantial boats.

Style of road.

SEC. 6. *Be it enacted*, That said company may buy, rent, hire, hold and sell all such estate, real and personal, as shall be necessary and convenient in the construction of said road, and keeping the same in repair ; and shall have power, with or without a seal, to make such contracts, appoint such agents as shall be necessary in the construction of said road and in keeping the same in repair, and collecting tolls, and any other purposes to accomplish the object of this charter.

Objects.

SEC. 7. *Be it enacted*, That said company may, for the purpose of building, repairing, or rebuilding said road and ferry, enter upon and use any lands, timbers, earth or other materials which shall be necessary for those purposes, in all cases, compensating the owners therefor ; and in case of disagreement as to the value of such earth, timber or other materials, it shall be the duty of

Materials.

the county court of Obion county, at the request of either party, to appoint five disinterested freeholders of Obion county, who shall examine and report the value of the same to said court, and their award as to the same shall be final; and in case of any controversy arising between said company and the owners of the land over which said road or any part of it shall pass, as to the right of way, the matter shall be adjusted in the manner prescribed for adjusting such questions in the act chartering the Mobile and Ohio Railroad Company, and the Tennessee Central Railroad Company, passed January 27, 1848; and for that purpose, so much of said act as is applicable is made a part of this charter.

**Damages.** **Sec. 8.** *Be it enacted,* That when said road is completed across said river bottom and a ferry boat provided for crossing the river, said company shall be entitled to demand and receive the following rates of toll for passing said road and crossing the river—to-wit: For every loaded wagon, drawn by five, six or more horses; mules or oxen, one dollar; if empty, seventy-five cents; if drawn by three or four horses, mules or oxen, eighty cents; if empty, sixty cents; for every wagon or cart, drawn by two horses, mules or oxen, if loaded, sixty cents; if empty forty cents; for every wagon or cart, drawn by one horse or mule, if loaded, forty cents, if empty twenty-five cents; for every pleasure carriage, drawn by two or more horses or mules, with a passenger or passengers besides the driver, sixty cents; if with the driver alone, forty cents; for every one-horse pleasure carriage or buggy, forty cents; and all other vehicles in like proportion; for every horse, mule, ox or cow not in a drove or team, or in a drove of ten or less animals, five cents; if in a drove of over ten, three cents; for each head of cattle in a drove of over ten head, two cents and a half; for every head of sheep or hogs, two cents, and all other animals in the same proportion; for every horse and rider, ten cents; for every footman, five cents; *Provided,* that every team paying seventy-five cents or more, may have two drivers, and every team paying less than seventy-five cents may have one driver without additional charge; and in case of movers with a wagon or wagons, all the females and males under twelve years old, shall be considered as part of the load.

**Rates of toll.** **Sec. 9.** *Be it enacted,* That any person or persons who shall obstruct said road, or destroy or injure the causeway, levy, bridges, ferry-boat, or any of the appendages of said road or ferry, and belonging to said causeway,

**Obstructions.**



shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as in other cases of misdemeanor.

SEC. 10. *Be it enacted*, That said company shall, in constructing said road, make places eighteen feet wide, <sup>Turn-outs.</sup> within four hundred yards of each other, of suitable length for teams to pass each other; and they may make all necessary rules, regulations and by-laws for their own government and the government of travelers on said road, not inconsistent with this charter nor the laws of the State.

SEC. 11. *Be it enacted*, That this shall be a public act, and all courts in this State shall judicially take notice of it, and it shall not be necessary in any case to plead the same.

SEC. 12. *Be it enacted*, That the county court of Obion county shall appoint three commissioners to examine <sup>Examining</sup> said road, whose duty it shall be to examine said road <sup>Commissioners</sup> at least once in every three months, and if they find said road to be out of order, they shall open the gate of said road until the same is put in good order; and said commissioners shall be paid two dollars per day, by the company for every days' service as commissioners.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 15, 1854.

## CHAPTER CCCVI.

AN ACT to incorporate the Great Central North and South Railway.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robertson Topp, James M. Williamson, A. B. C. Dubose, D. M. Leatherman and Willie B. Miller, of Shelby county, together with such persons as now are, or may hereafter become associated with them, and their successors and assigns, shall constitute a body corporate, and they are hereby incorporated under the name of the "Great Central North and South Railway;" and in that name they shall have perpetual succession; may sue and be sued, plead and be impleaded, and shall possess and enjoy all the rights and privi-

leges and immunities of such corporation, with power to make such by-laws, ordinances, rules and regulations not inconsistent with the laws of this State or of the United States, as shall be necessary to the well ordering, regulating and conducting the affairs of said company, and their directors, officers and servants.

**Capital stock.** *Sec. 2. Be it enacted,* That the capital stock of said company shall be fifty thousand shares of one hundred dollars each, which shares may be subscribed by corporations, cities, counties or individuals; and so soon as fifty thousand dollars is subscribed, the subscription shall be binding, and the corporate powers of said company as herein granted, shall commence and have full operation as if the whole of the shares comprising the capital stock, were subscribed; and it shall be lawful for said company to increase the capital stock of the same from time to time, should it become necessary, for the purpose of constructing and equipping the railroad hereby authorized to be constructed and equipped.

**Scaling subscription.** *Sec. 3. Be it enacted,* That the corporation created by this act may open books for subscription to the capital stock of the company at such times and places as a majority of the persons named in the first section of this act shall declare, to remain open for such time as shall be fixed by them, due notice of which shall be given; and in case a greater amount of stock shall be subscribed than fifty thousand shares, the said incorporators, or the board of said company, shall reduce the same to that number by striking off from the highest in succession in such manner that no subscription shall be reduced while one remains larger.

**Subscription of stock.** *Sec. 4. Be it enacted,* That subscriptions to the capital stock of said company may be taken in cash, in subscriptions for work, the stocks or bond of other dividend-paying railroad companies, at their cash value, and real estate lying near the line of the road at cash value; *Provided,* that the amount of the stocks and bonds of other dividend-paying railroads, shall not exceed one million of dollars, nor shall the amount of real estate taken exceed a like amount; and, *Provided, further,* that the company shall be bound to sell the real estate taken as a subscription in stock, and convert it into cash, so soon as the same can be disposed of advantageously for the company.

**Valuation of work.** *Sec. 5. Be it enacted,* That in taking subscriptions for work as stock in said company, the commissioners named in the first section shall draw up a contract with the subscriber specifying what kind of work the subscriber

**proposes to do, the time when, and the rates allowed for work shall not exceed that for which similar work is constructed, to be done on that part of the Mobile and Ohio Railroad, within the limits of Tennessee; after the board of president, vice-president and directors are elected, such subscriptions in work shall be regulated by them as they may deem proper and right.**

**Sec. 6. *Be it enacted,* That said corporation shall have succession for one thousand years; shall have and use a common seal; shall have seven directors, a president, vice-president and such inferior officers and agents as shall be deemed necessary by the board from time to time.**

**Sec. 7. *Be it enacted;* That the president, vice-president and directors shall be chosen annually by the stockholders at such time and place as shall be designated by the board, and shall hold their offices for the term of one year and until their successors are elected and qualified; and the board shall have power to fill all vacancies in its own body, to serve until the next regular session.** Officers.

**Sec. 8. *Be it enacted,* That the president, vice-president and directors shall be sworn faithfully to discharge the duties of their offices, and the other officers shall likewise take an oath of office before entering upon the duties of their offices respectively; and the board shall have power to require all officers and agents of the company to give bond and security payable to the corporation in such penalty and with such condition as shall be prescribed by the by-laws of the company; and all such bonds shall not be void for the want of form, nor upon the first or other recovery, but may be put in suit and recovery had as often as the condition thereof shall be broken, to the damage of the company or of any individual.** Oath and bond of officers.

**Sec. 9. *Be it enacted,* That in case it shall happen at any time that an election of directors shall not be made on the day designated by the laws of the company, when it ought to have been made, the board may, within ninety days thereafter, hold an election for directors in such manner as shall be provided by the laws of the company.** Irregular elections.

**Sec. 10. *Be it enacted,* That the corporators named in the first section of this act shall be the directors of the company until the first election, so far as to open books for subscription at such places and times as a majority of them shall designate, to give notice of the time and place of opening such books, and the length of time the**

**Organization.** same shall remain open; to give notice of the time and place of the first election for directors; all of which they shall do; and they or a majority of them shall continue to direct the affairs of the company until they shall be superseded by a board of president, vice-president and directors elected by the stockholders under this charter, to whom they shall deliver over all monies, books, subscriptions and other papers, belonging or appertaining to the company, received by them for the use and benefit of the company.

**Annual election.**

**SEC. 11.** *Be it enacted,* That the president, vice-president and directors shall be chosen after the first election at a session or meeting of the stockholders, to be held in one of the counties, in or through which said road is proposed to be, or may be constructed; notice of which, appointing a time and place, shall be given by the directors, which notice shall be published not less than twenty days previous thereto in a newspaper published in each county through which said road may be intended to run, if a newspaper be published therein. Three judges of elections shall be chosen by the board of directors previous to any annual meeting of the stockholders who shall be stockholders but not directors, at the time of such elections, whose duty it shall be, after being duly sworn, to receive the votes of the stockholders at such elections for president, vice-president and directors, openly count the same and declare the result; and shall furnish those elected with certificates of their election; which certificate shall be evidence of their authority to act as such. The votes of the stockholders may be cast in person or by written proxy, signed by such stockholder, and every stockholder being present in person or by proxy at such election, shall be entitled to give one vote for each share of stock such person may hold, which has been entered in the name of such stockholder on the register of the company, either as an original subscriber or as transferee of the stock; executors, administrators and guardians, and other trustees, shall be authorized to vote upon stock represented by them. No person shall be eligible to hold the office of director, president or vice-president unless he shall be a stockholder, owning stock absolutely in his own right. It shall be the duty of the directors named in the first section of this act, to give the notice of the election required by the tenth section of this act for the ensuing year, and the election shall be held accordingly.

**Stockholders' meeting.**

**SEC. 12.** *Be it enacted,* That meetings of the stockholders may be called at any time during the interval

between the annual meetings, by the directors, or by the stockholders, owning not less than one-fourth of stock, by giving thirty days' public notice of the time and place of the meetings, in the manner provided for the annual elections, and when any such meeting is called by the stockholders, they shall sign their names to the call, and shall state the particular object of such meeting, and if at any such meeting thus called by the stockholders, a majority, in value, of the stockholders, are not represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business, and if within said three days, stockholders having a majority of the stock do not attend, then the meeting shall be dissolved, but if a majority shall attend said meeting, it shall be lawful for them to remove any director, president, vice president, secretary, treasurer, engineer or other officer elected by the stockholders or the board, for good cause, and elect others in their stead, who shall serve until the next annual elections, and until they shall be superseded by their successors, and the president or vice president shall have power to call special sessions of the board in cases of emergency.

SEC. 13. *Be it enacted*, That the whole stock and property of said company, real, personal and mixed, and the issues and profits thereof, shall be holden in law, <sup>Stock personal</sup> and are hereby declared to be personal property, and property. the same shall be governed by the rules and laws governing personal property, in all cases except as herein provided, and the said property and the profits arising therefrom, shall be vested in the respective shareholders, their heirs, executors, administrators, and assigns, in proportion of their respective shares, all real estate owned or hereafter purchased by said company, taken for stock over and above the ground necessary for the road and depots, as prescribed by the charter, shall be subject to taxation in the same manner as land owned by individuals, and all lands which may be purchased or obtained by donation at the termini of the road or branches, or at the principal depots, over and above what may be necessary in the opinion of the board, for the road and stations, shall be sold for the benefit of the company, as they may direct.

SEC. 14. *Be it enacted*, That the capital stock of said company, including depots, stations, the tract or bed of the road, fixtures and equipments of said company, shall for the period of twenty years, be exempt from taxation, from the completion of said road.

**SEC. 15.** *Be it enacted,* That if the subscription herein made necessary to incorporate said company, shall not be obtained within one year after the first opening of the books under this act, then this act and all the subscriptions under it, shall be null and void, and after discharging the expenses of opening the books, the residue of the money received upon subscriptions shall be paid by the persons receiving the same to the several subscribers in proportion to the sums respectively paid by each.

**SEC. 16.** *Be it enacted,* That upon every subscription of stock there shall be paid at the time of subscribing, to the person authorized to receive such subscription, or **Calls on stock.** at the time of organizing said company, either in money or a note negotiable and payable at some chartered bank of good standing and credit, as said person may select, at sixty days, the sum of one dollar on every share subscribed, including real estate, railroad stocks and bond subscriptions as hereby authorized, and the residue of the cash subscriptions, shall be payable in such instalments, and at such times as may be required by the board of said company; *Provided,* that no payment shall be demanded until at least thirty days' public notice of such demand shall have been given by said board by publication in one or more newspapers published in each county on the line of the road, if one be published therein, nor shall more than fifty per cent of each share of stock, be called for in any one year, but if the exigencies of the company shall require the payments of stock to be made otherwise than is provided for herein, or shall the board, or a majority of them, consider it expedient, it shall be lawful for them to provide that said subscriptions shall be payable in three equal annual instalments, and in case they shall be so payable, and if any subscriber shall fail or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, the same may be recovered by action of debt in the name of said corporation, against such defaulting subscriber, before any tribunal having jurisdiction of such cases; and in all such actions, publication as directed in this section, shall be the only demand necessary to be proved; or in case such failure or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days next after the time they shall be due and payable, the board of directors may, in their discretion, order the same forfeited to the company, or they may sell

it for the benefit of the company if they think proper ; but the board of directors may remit any such forfeiture on such terms as they may think proper; *Provided*, that it may be lawful to receive subscriptions to the capital stock of the company, payable in contracts, well secured, to build any part of the road, or to perform work or deliver materials in the construction thereof, as may be accepted by the company, and upon such terms and conditions as may be agreed upon by said company.

**SEC. 17.** *Be it enacted*, That the lands authorized to be subscribed as hereby declared, shall be conveyed to the company by the subscriber by good and sufficient deeds in fee, free from all incumbrances, and with relinquishment of dower, when necessary, before any stock shall be issued for the same, and the stocks and bonds of other dividend-paying railroads, shall be duly assigned by the legal holder thereof to the company, before any stock shall issue thereon, and all certificates of stock shall be endorsed with amount paid on the certificate and the time of payment. Conveyance of land.

**SEC. 18.** *Be it enacted*, That the board shall fix the pay of the directors and officers of the company, which shall not be reduced to take effect, until after the next annual election.

**SEC. 19.** *Be it enacted*, That the said company are hereby vested with all the powers and rights necessary to the construction of a railroad from the State line of the State of Tennessee, in the direction of Hernando, Mississippi, by way of Memphis to the State line of the State of Kentucky, in the direction of Henderson, in the State of Kentucky, and Evansville in the State of Indiana, and from thence by and with the authority and concurrence of the General Assembly of the State of Kentucky, by Henderson in the State of Kentucky, to the Ohio river opposite to the city of Evansville in the State of Indiana, so as to make said railroad a continuous line under one joint company, from the line of the State of Mississippi aforesaid, through the States of Tennessee and Kentucky, between the termini inclusive, with full power to construct branches from the main line to Paducah and Smithland, and to establish depot stations at each of said points, should the main line not be located through those towns; in addition to the powers hereinbefore granted, said corporation shall have the following special defined powers, that is to say: First, to cause such examinations and surveys for the proposed railroad to be made, as may be necessary to the selection of the most advantageous route for the Route of road & specific provisions.

**SEC. 15.** *Be it enacted,* That if the subscription herein made necessary to incorporate said company, shall not be obtained within one year after the first opening of the books under this act, then this act and all the subscriptions under it, shall be null and void, and after discharging the expenses of opening the books, the residue of the money received upon subscriptions shall be paid by the persons receiving the same to the several subscribers in proportion to the sums respectively paid by each.

**SEC. 16.** *Be it enacted,* That upon every subscription of stock there shall be paid at the time of subscribing, to the person authorized to receive such subscription, or **Calls on stock.** at the time of organizing said company, either in money or a note negotiable and payable at some chartered bank of good standing and credit, as said person may select, at sixty days, the sum of one dollar on every share subscribed, including real estate, railroad stocks and bond subscriptions as hereby authorized, and the residue of the cash subscriptions, shall be payable in such instalments, and at such times as may be required by the board of said company; *Provided,* that no payment shall be demanded until at least thirty days' public notice of such demand shall have been given by said board by publication in one or more newspapers published in each county on the line of the road, if one be published therein, nor shall more than fifty per cent of each share of stock, be called for in any one year, but if the exigencies of the company shall require the payments of stock to be made otherwise than is provided for herein, or shall the board, or a majority of them, consider it expedient, it shall be lawful for them to provide that said subscriptions shall be payable in three equal annual instalments, and in case they shall be so payable, and if any subscriber shall fail or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, the same may be recovered by action of debt in the name of said corporation, against such defaulting subscriber, before any tribunal having jurisdiction of such cases; and in all such actions, publication as directed in this section, shall be the only demand necessary to be proved; or in case such failure or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days next after the time they shall be due and payable, the board of directors may, in their discretion, order the same forfeited to the company, or they may sell



it for the benefit of the company if they think proper ; but the board of directors may remit any such forfeiture on such terms as they may think proper; *Provided*, that it may be lawful to receive subscriptions to the capital stock of the company, payable in contracts, well secured, to build any part of the road, or to perform work or deliver materials in the construction thereof, as may be accepted by the company, and upon such terms and conditions as may be agreed upon by said company.

Sec. 17. *Be it enacted*, That the lands authorized to be subscribed as hereby declared, shall be conveyed to the company by the subscriber by good and sufficient deeds in fee, free from all incumbrances, and with relinquishment of dower, when necessary, before any stock shall be issued for the same, and the stocks and bonds of other dividend-paying railroads, shall be duly assigned by the legal holder thereof to the company, before any stock shall issue thereon, and all certificates of stock shall be endorsed with amount paid on the certificate and the time of payment.

Conveyance of  
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Route of road  
& specific provisions.

railroad, and for such purposes by their officers, agents, and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages which they shall do thereto; Second, to receive, hold and take such voluntary grants and donations of real estate and personal property as shall be made to its aid in the construction, maintenance and accommodation of such railroad, to be disposed as hereinbefore provided; Third, to purchase by voluntary grants and donations, receive and take, and by its officers, engineers and surveyors, and agents, enter upon, take possession of and hold and use all such lands and real estate and other property as may be necessary, for the construction and maintenance of its railroad and stations, with the branches hereby authorized, depots and other accommodations necessary to accomplish the objects, for which their corporation is created. Fourth, to lay out its road not exceeding six rods wide, and to construct the same, with the necessary tracks, side tracks, switches, stations, depots, warehouses, and buildings, and for the purposes of cuttings, embankments and procuring stone and ground work, take as much more land, within the limits of this charter in the manner provided hereinafter, as may be necessary for the proper construction and security of the road. Fifth, to construct their road and branches across any stream of water, water course, road, highway or railroad, so as not to interfere with the free use of the same, and in such manner as to afford, and leave in good repair and well constructed for public use, all such streams of water, water courses, roads, highways, streets and alleys, and shall restore the stream of water, road or highway, street or alley, thus intersected, to its former state, or in a sufficient manner not to have unnecessarily impaired its usefulness or injured its franchises; *Provided*, that should it become necessary for said company to bridge over any navigable stream or river, in the construction of said railroad, or its branches, it shall be the duty of the company to construct the same of sufficient height and span to permit, at high water, the free passage of steamers and other crafts in the channel of the river, and so as not to obstruct the navigation in low water, or so to construct said bridges, if piers be used, as not to obstruct the channel of the river, and to construct sufficient draws in all such bridges, for the passage of all steamers and other craft in the channel of the river, at all stages of the water, and shall at their own expense, by day and by night, open such draws for the passage of steamers and

mination, report to said court as soon as practicable the damages, if any; and if none are sustained, they shall report the fact; which report, if unaccepted to, shall be recorded, and if any damages are assessed, the money shall be paid into court by the company, and the report shall be confirmed by the court and recorded, and shall vest in the company the fee simple of the lands so valued for said purposes; *Provided*, that the court may, for good cause shown by either party, set aside the report and appoint other commissioners, who shall proceed in all respects as is hereinbefore provided, and the like proceedings shall be had in the circuit court at the second report of the commissioners; shall be final between the parties in the circuit court, but may be examined and reversed, or affirmed upon matters of law, in the supreme court or court of appeals of the State.

Sec. 21. *Be it enacted*, That said company may enter upon any adjacent lands, and cut, quarry, dig, take and carry away therefrom, any timber, stone, gravel or earth Materials and damages. which may be necessary in the construction or repair of the road and branches; *Provided*, they shall not, without the consent of the owner, cut down any fruit tree or trees preserved in any enclosure for shade or ornament, or take away any materials constituting any part of a fence or building, or such adjacent grounds; for all which materials, and for all incidental injuries done to grounds, woods, enclosures or crops, the company shall make to the owners a fair and reasonable compensation; and if the parties cannot agree upon the same, it shall be ascertained by those [three] impartial freeholders, to be appointed by a justice of the peace of the proper county, at the application of either party, the opposite party having three days' notice of the application to the justice. The freeholders shall be sworn to do impartial justice between the parties; their award shall stand as awards made by order of court upon the rights of the parties, upon which the justice may enter judgment and issue execution, if within his jurisdiction as to amount; if over, he shall certify the proceedings as in other cases to the next court, to be proceeded upon as upon an award made by order of said court; *Provided*, that either party may have the proceedings corrected by certiorari and not by appeal; if the proceedings be quashed, the court may appoint other valuers, and cause justice to be done in the premises.

Sec. 22. *Be it enacted*, That the pendency of such proceedings in court, or before the justice or arbitrators to ascertain said damages, shall in no wise or manner

hinder or delay the progress of the work; and no order shall be made, nor shall any injunction or supersedeas be awarded by any judge or court, to hinder or delay the progress of the work.

SEC. 23. *Be it enacted*, That it shall not be lawful for any person or combinations of persons whatever, by open violence, attempt to retard the operations of said company in prosecuting the undertakings as herein allowed; but such persons or combinations of persons so offending, shall be liable for all damages sustained by the company, and may be sued before any competent tribunal for each and every offence, and recover whatever damages they shall show they have sustained.

SEC. 24. *Be it enacted*, That the company are hereby expressly prohibited from carrying on banking operations, but may effect insurance on lives and property transported on the road, and dividends shall be declared semi-annually after the road shall be completed, equipped and in operation, payable to the stockholders either in stock or cash, as may be determined by the board, out of the nett proceeds of the earnings of the road.

Dividends.

Cities & county subscribers.

SEC. 25. *Be it enacted*, That it shall be lawful for the corporations of the several cities, and the county courts or other legal representatives of the several counties through which the road and branches may run, and at their termination, by a majority of all the members of the board of councilmen of said cities, and of the county courts or other legal representatives of said counties, to subscribe in the name of such cities or counties, and for and on behalf of the same, as many shares in the capital stock of said railroad company as to them may seem expedient, payable in the bonds of said city or county, running not less than ten years, with seven per cent. interest at par; and such city or county may make it a condition of such subscription, that the proceeds of the sale of said bonds shall be expended on the road in such county, should it be required to prepare the road for iron in such county, and to lay a tax annually to pay the interest on such bonds on the taxable property of such city or cities; *Provided*, that no such subscription shall be made until the question shall be submitted to the vote of the qualified electors of such city or county, distinctly stating the object of the subscription, and the amount proposed to be subscribed, and the same shall be authorized by them by a majority vote of all the votes given, thirty days' notice of the time and place of taking the vote having been given by publication in a newspaper published in said city or county, if one be

printed there ; if not, by manuscript notices put up at the court house or other public place in such city or county ; which notice it shall be the duty of the council or county court to give, if requested by the president of said railroad company ; and the vote shall be taken and certified in such manner as shall be prescribed by such council and county court.

SEC. 26. *Be it enacted*, That after said company shall be organized, they may cause one or more routes for the main road and the branches, to be surveyed and estimated, preparatory to a final location and letting the work ; but before proceeding to let the work in whole or in part, the president and directors shall call a meeting of the stockholders and lay before them in a report, the cost of the road as far as estimated, together with the amount of subscription obtained, and the right of way obtained, and the expenses incurred, and the probable cost of completing the road, and equipping the same, with its probable business and dividends, when completed, together with the prospects of obtaining sufficient stock or means to complete and equip the road ; and a majority of the stockholders in value, may thereupon, at such meeting, by resolution, which shall be entered on the journals, together with the vote thereon, have the right to order the expenses to be paid, the subscriptions cancelled, the real estate reconveyed to the subscribers ; and after which, that the company shall be dissolved ; but they shall have no right to dissolve such corporation before the expiration of one year from the time the books shall be opened for subscriptions, nor after one half million of dollars shall be subscribed to the capital stock, nor if the minority will guarantee such additional subscription as will make the same one half million of dollars.

Surveys and estimates.

SEC. 27. *Be it enacted*, That each county through which the road may run, shall be deemed and taken a section, and the earth work shall be progressed with on each section, simultaneously, as far as practicable, but the superstructure and iron shall be laid in continuous sections north from Memphis, so as to complete and put to use so much of the same continuously, as possible, at the earliest period of time, from the city, north.

SEC. 28. *Be it enacted*, That if said corporation shall not, within three years from the date of its incorporation, begin the construction of its road, and expend thereon five per cent of the amount of its capital subscribed, and finish the road, and put it into full operation in ten years thereafter, its act of incorporation shall become void as

to the right to construct or run any part of said road not put in operation by said time.

**Application of funds.** SEC. 29. *Be it enacted*, That the monies subscribed by the citizens of Tennessee, whether by the State, counties, corporations or individuals, shall first be applied to the construction of the road within the limits of the State of Tennessee; and the monies subscribed by the citizens of Kentucky, whether by the State, counties, corporations or individuals, shall first be applied to the construction of the road within the limits of the State of Kentucky.

**Uniformity of tolls.** SEC. 30. *Be it enacted*. That the said company shall not charge for the transportation of freight or passengers, any higher rates on one part than another, of said road, but the toll and rates shall be uniform on every part of said road, whether passing in the one direction or the other.

SEC. 31. *Be it enacted*, That this charter shall be amendable from time to time, by the legislatures of the States of Tennessee and Kentucky, whenever the president and directors shall unanimously petition for such amendments, specifying in the petition the nature of such amendments; and when such amendments shall be adopted by the legislature and submitted to the directory, and be accepted and adopted unanimously by the president and directors, they shall be obligatory on the stockholders, and not otherwise.

**Branch roads.** SEC. 32. *Be it enacted*, That the company may, if they deem it to the interest of the company, construct other branches than those herein before provided for, upon the terms and conditions specified for constructing branches to Paducah and Smithland; they may also, upon a vote of two-thirds of the stockholders, confirmed by a vote of two-thirds of the directory, terminate the southern end of the road hereby authorized, at Memphis, and the northern end of the road at Paducah. They may consolidate the roads hereby authorized, with any railroad company which has heretofore been or hereafter may be chartered to construct a road from Paducah in the direction of Memphis; they may agree, also, with said company, to run upon their line of road, or contract with them to run upon their grade; but in all such contracts and agreements, a vote of two-thirds of the stockholders, confirmed by two-thirds of the directors, shall first be necessary.

**President and Directors.** SEC. 33. *Be it enacted*, That it shall be lawful, after the first general election for president, vice-president and directors, as herein provided for, for the board, by

a unanimous vote, to increase the number of directors to the number of fifteen ; and in that event, said fifteen directors may select the president and vice-president from their own body, if they shall prefer to do so ; and in the event they shall determine in all future general and annual elections of directors, to increase the number to fifteen, then and in that case, five of the fifteen directors shall be residents of the State of Tennessee, five shall be residents of the State of Kentucky, and five may be residents of any other State or States. This section shall not apply to the directors named in the first section, nor to the first general election of president, vice-president and directors.

SEC. 34. *Be it enacted*, That inasmuch as the railroad contemplated by this charter, lies part in the State of Tennessee and part in the State of Kentucky, and the object of this incorporation being to make a through line of the same guage between the termini to avoid all transshipments and commissions, and thereby cheapen transportation to be managed by one company, it is hereby declared that this act, so far as it professes to incorporate said company with powers to construct said railroad and branches through said State of Kentucky, is only intended to operate after it shall have received the concurrence and been ratified and confirmed by the legislature of Kentucky ; and should said State decline to ratify and confirm the same so far as relates to the powers to construct and maintain that part of the road which lies in the State of Kentucky, it shall be null and void to that extent ; but it is hereby declared that this act shall be valid so far as it relates to the State of Tennessee from and after its passage, and shall take effect from and after its passage, that the directors named in the first section shall not be delayed in their action, to await the concurrence of the legislature of Kentucky, but may proceed forthwith to open books ; and when the sum of fifty thousand dollars of bona fide subscriptions are obtained, may, upon ten days' notice, published in one of the newspapers of Memphis, call the stockholders together, elect a president, vice-president and seven directors ; and from and after such election, they shall have, exercise and control all the powers and privileges herein confirmed by the construction of said railway within the limits of Tennessee.

Concurrent action of Kentucky.

SEC. 35. *Be it enacted*, That the duties, powers and pay of the vice president shall be prescribed by the by-laws of the corporation.

SEC. 36. *Be it enacted*, That for the purpose of pro-

**Louisville and Memphis Air-Line R. R. Co.** moting a communication by railroad from the city of Louisville, in the State of Kentucky, to the city of Memphis, in the State of Tennessee, upon the most direct and practicable route, the formation of a company is hereby authorised, which shall be a body corporate by the name and style of the "Louisville and Memphis Air-line Railroad Company;" and in that name shall sue and be sued, plead and be impleaded, have perpetual succession; have all the rights, powers and privileges, and be subject to all the restraints, so far as such provisions may be applicable, which are herein contained in the foregoing provisions, incorporating the "Great Central North and South Railway," within the limits of the State of Tennessee, as fully as if herein set forth at length; and the same are hereby declared to form and constitute a part of the charter hereby granted to the Louisville and Memphis Air-line Railroad Company, except as herein changed.

**Capital stock.** *Sec. 37. Be it enacted,* That the capital stock of said company shall amount to the sum of three millions of dollars, with power to open books and increase the loan to an amount sufficient to insure the completion of said road; books for subscription to the capital stock of said company, in shares of one hundred dollars each, shall be opened at such times and places, and under the direction and control of such agent or agents as the board of commissioners herein named shall direct.

**Commissioners** *Sec. 38. Be it enacted,* That the board of commissioners shall consist of the following named persons, to-wit: J. E. Rice, Samuel Graham, and John Buchanan, of Stewart county, Tennessee, R. Shackleford, L. L. Leavel, J. C. Buckner, J. P. Campbell, H. P. Owsley, and W. S. Moore, of Christian county, Kentucky, who, or a majority of whom, may choose their president, and appoint such other officers and agents as they may think proper, and may establish rules to govern their proceedings.

*Sec. 39. Be it enacted,* That as soon as one hundred thousand dollars is subscribed to the capital stock of said company, the board of commissioners may call the board of stockholders together, after giving twenty days' notice of the time and place, and proceed to elect fifteen directors, who shall elect the president from one of the board. Said president and directors shall hold their office for one year, or until their successors are elected; they shall have power to locate the line of the road, and shall select one engineer and such other officers and agents as the necessity of the company may



require ; may open books for subscription to the capital stock of said company, at any place or places in the United States they may deem proper. Said railroad company shall have power to unite with or consolidate with the Memphis, Clarksville and Louisville railroad company, or any other company chartered by the State of Tennessee for the construction of a road to Memphis, upon such terms and conditions as may be agreed upon by the two companies; which agreement, if made, shall be as binding and obligatory, and have all the force and effect as though the same were incorporated in this charter; *Provided*, that nothing in this act contained, shall authorize said company to unite its road or any of its branches through the counties of Todd or Logan, in the State of Kentucky.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 5, 1853.

## CHAPTER CCXVII.

AN ACT to incorporate the Hickman and Obion Railroad Company.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee, That the president, directors and stockholders of the joint stock company already formed to build a railroad from the town of Hickman, in the State of Kentucky, to the Mobile and Ohio railroad track, in the county of Obion, in the State of Tennessee, in Houser Valley, be, and they are hereby constituted a corporation and body politic, by the name and style of the Hickman and Obion Railroad Company, and by the said corporate name shall be authorized to sue and be sued, and to buy, receive by gift, hold, sell and convey real and personal estate as hereinafter provided ; make contracts, make by-laws, and do all other acts properly incident to a corporation, and necessary and proper in the transaction of the business for which said corporation is constituted ; and to have and use a common seal, and the same to alter or destroy at its*

pleasure, and have perpetual succession of members.

**Capital stock.** SEC. 2. *Be it enacted*, That the said corporation may increase the corporate stock thereof to thirty thousand shares, at one hundred dollars each; and the president and directors shall have the power of receiving subscriptions of stock to that amount at any time according to their discretion.

**Board of directors.** SEC. 3. *Be it enacted*, That the affairs of the company shall be managed by a board of directors, to consist of eleven, and shall be chosen by the stockholders from their own body, each stockholder casting one vote for each share he may possess; and the president of the company shall be elected by the directors from their own members, in such manner as the regulations of the corporation shall prescribe.

**Present directors.** SEC. 4. *Be it enacted*, That the president and directors already elected, and now conducting the business of said company, to-wit: G. W. Gibbs, G. W. L. Marr, Sauney Burress, Olion F. Young, E. B. Fuqua, W. Robinson, Burgess R. Noles, A. D. Kinman, Robert Matson, Ferdinand Wilson, and J. F. Mares, shall continue to transact the business until the third of August, 1854, with full power to fill vacancies, and until there shall be another board elected and organized under the regulations prescribed by the by-laws of said corporation; and the elections thereafter shall be annual.

**Vacancies.** SEC. 5. *Be it enacted*, That the board of directors may fill all vacancies which may occur during the time for which they were elected; and in the absence of the president, may fill his place by electing one of their number president *pro tempore*.

SEC. 6. *Be it enacted*, That all contracts and arrangements authenticated by the president of the board, shall be binding on the company whether with or without seal, or such other mode of authentication as the by-laws may prescribe.

**Individual liability.** SEC. 7. *Be it enacted*, That the board of directors shall not exceed in their contract the capital stock of the corporation, and of the funds which the company may have borrowed and placed at the disposal of the board; and in case they shall do so, the president and directors who may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid, shall be made jointly and severally liable for the excess, both to the contractor or contractors and to the corporation; *Provided*, that any one may discharge himself from such liability by voting against such contract or contracts, and causing said vote to be entered on the

books of the company, and giving notice thereof to the next general meeting of the stockholders.

SEC. 8. *Be it enacted*, That the said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandize and produce over said road by them to be constructed; *Provided*, that the cost of transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement for every hundred miles; and five cents a mile of every passenger; *and provided*, that said company, when they sit, may farm out their rights of transportation on said road subject to the rules above mentioned.

SEC. 9. *Be it enacted*, That the board of directors may call for the payment of the capital stock at the rate of not more than ten dollars on each share for every sixty days; and twenty days' notice shall be given in some newspaper of such call; and a failure to pay or secure to be paid, according to the rules of said corporation, any of the instalments so called as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and payments thereon, and the same shall vest in said company, but may be restored to the owner or owners by the board of directors, if they deem proper, on the payment of all arrears on such share or shares, and legal interest thereon; or the directors may have the forfeiture after thirty days default and save the stockholder for the instalments due at their discretion. Calls on stock.

SEC. 10. *Be it enacted*, That the stockholders of said company may be transferred in such manner and form as may be prescribed by the by-laws of said company.

SEC. 11. *Be it enacted*, That the board of directors shall, once in each year, make a full report of the state of the company's affairs to the stockholders at a general meeting, and shall have full power to call a general meeting of the stockholders whenever the board may deem it expedient.

SEC. 12. *Be it enacted*, That the said company may purchase, have and hold in fee, or for a term of years, any land, tenements, hereditaments, which may be necessary for said road, or appurtenances thereof, or for the erection of depositories, storehouses, or for workshops or foundries to be used for said company, or for procuring timber, stone, or any other materials necessary for the construction of said road or its appurtenances, or for effecting transportation, or for other purposes. Real estate.

**Sec. 13.** *Be it enacted*, That said company shall have the right, when necessary, to construct said road across or along any public road or water-course; *Provided*, the roads and the navigation of such, shall not be obstructed.

**Sec. 14.** *Be it enacted*, That when any lands or right of way may be required by said company for the purpose of constructing said road, and for want of agreement as to the value thereof, or for any cause, the same cannot be purchased from the owner or owners, the same may be taken at valuation by five commissioners, or a majority of them, to be appointed by the circuit court of the county where said land or right of way is situated, and the said commissioners, before they shall act, shall severally take an oath before some justice of the peace faithfully and impartially to discharge the duty assigned them; and on making said valuation, the commissioners the actual loss or damage to the owner or owners in consequence of the land being taken, and the right of way surrendered. The proceedings of said commissions shall be returned, accompanied with a full description of the land or right of way, under their hands and seals, of a majority of the said commissioners to the court from whence the commission issued, there to remain a matter of record; in case either party shall appeal from the decision of the commissioners to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury who shall be charged therewith, at the same term, or as soon as practicable and their verdict shall be final and conclusive between the parties, unless a new trial be granted, and the land or right of way so valued by the commissioners, or verdict of a jury, shall vest in said company so soon as the amount of such valuation be paid, or a tender and refusal thereof, to the extent of one hundred feet wide; when there may be an appeal by either party, the same shall not prevent the works intended to be constructed from proceeding; but when the appeal is taken by the company, they shall enter into bond and security to the opposite party, approved by the clerk, in double the amount of the valuation and interest, in case the same shall be confirmed; and in case it be reversed, then to pay the amount of the valuation thereafter to be made by the jury, and confirmed by the court; *Provided*, that when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed du-

Right of way  
and damages.

ring the pendency of any proceedings to assess its value as aforesaid, nor shall any injunction or supersedeas be awarded by any judge or court to delay the progress of said work.

SEC. 15. *Be it enacted*, That if any person shall intrude upon said railroad, or any part thereof, or the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she or they shall forthwith forfeit to the said company all the vehicles that may be intruded on said road, and the same may be recovered by suit at law; and the person or persons so intruding, may also be indicted for a misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction. Intruders.

SEC. 16. *Be it enacted*, That every obstruction to the safe and free passage of vehicles on said road, shall be deemed a public nuisance, and as such may be abated by an officer, agent or servant of the company; and the person causing such obstruction, may be indicted and punished for erecting a public nuisance before any competent jurisdiction.

SEC. 17. *Be it enacted*, That said company shall have the right to take at the store-house they may establish or rent to the road, all goods, wares, merchandize and produce intended for transportation; prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they, by rule, may establish, which they shall cause to be published, (or may be agreed upon with the owner,) which may be distinct from the charges of transportation; *Provided*, the said company shall not charge or secure storage on goods, wares or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately. Rates of storage.

SEC. 18. *Be it enacted*, That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the officers of the company will permit, be semiannually divided among the stockholders, in proportion to the stock each may hold. Dividends.

SEC. 19. *Be it enacted*, That the said company is hereby expressly prohibited from carrying on any banking operations, but may effect insurance upon lives and property transported on said road.

SEC. 20. *Be it enacted*, That whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way it shall be the Cross roads.

duty of the company to construct said road across such established road or way so as not to impede the passage or transportation of persons or property along the same; or where it shall be necessary, through the lands of any individual, it shall be their duty to provide for such individual, a proper wagon way or ways across said road.

SEC. 21. *Be it enacted*, That the said company shall have the right of way for said road from the line of the State of Kentucky, south, to the terminus thereof; and they shall have such additional power as may be necessary and convenient for the successful execution of the powers granted in this charter, and for the successful construction and management of the work.

SEC. 22. *Be it enacted*, That the president and directors, clerks, agents, officers and servants of said company, shall be exempt from military duty except in case of invasion or insurrection, and shall also be exempt from serving on juries and working on public roads.

SEC. 23. *Be it enacted*, That the said company shall have full power to purchase and own such number of slaves as shall be necessary for the construction of said road, and for keeping the same in repair.

SEC. 24. *Be it enacted*, That the capital stock of said company shall be forever exempt from taxation, and the road, with all its fixtures and appurtenances, including workshops, warehouses and vehicles of transportation, shall be exempt from taxation for the period of twenty years from the completion of said road, and no longer.

Taxation.

SEC. 25. *Be it enacted*, That said company shall have power and they are hereby authorized to extend their road to the town of Dresden, in the county of Weakly, or connect with the Nashville and Northwestern road at such point as may be convenient in the county of Weakly or Obion, at their discretion, which connection, if made, shall be regulated by the provisions of the 38th section of the charter of the said Nashville and Northwestern road, and in the event said extension shall be determined upon, then the company shall be authorized to increase their capital stock to the amount of five hundred thousand dollars, and said company shall have, possess, and enjoy the same rights and privileges, and be subject to the same rules, regulations and liabilities upon said extension, as are hereinbefore prescribed in the charter for the other portion of said road; *Provided*, that said road shall not be extended to the town of Dresden, only in the event of the failure of the Nashville and Northwestern railroad company, to build their

road, as required by law, or with the consent of said company.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 20, 1853.

## CHAPTER CCGVIII.

AN ACT to incorporate the Bradley Mining Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas H. Calloway, John B. Tipton, Daniel W. Latimore, John King, Isaac Tate, and their associates, are hereby constituted a body politic and corporate, by the name and style of "Bradley Mining Company," for the purpose of exploring and mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors, for the period of ninety-nine years, with power to make a common seal, and to alter or change the same at pleasure; make such by-laws, not inconsistent with the laws of this State and of the United States, as it may deem proper and necessary, for its government; in its corporate name to sue and be sued; plead and be impleaded; to hold, by purchase or otherwise and to dispose of the same in any way, any real estate or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of, in payment of debts due to it; *provided always*, that the first cost of such real estate shall not exceed the maximum amount of the capital stock herein provided for.

SEC. 2. *Be it enacted*, That the capital stock of said company shall not be less than two hundred thousand dollars, nor more than ten hundred thousand dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the corporators at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock—the stock to be sub-

scribed and paid for, as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferable only on the books of the company in person, or by attorney.

Organisation.

SEC. 3. *Be it enacted*, That the corporators named in the first section of this act shall be the directors for the first year, and until others are elected in their stead. The annual meeting of the company shall be held at such times and places as the board of directors may determine from year to year—thirty days' previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year: but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

Individual liability.

SEC. 4. *Be it enacted*, That all the stockholders not having paid for their stock according to the terms of subscription, shall be individually liable to the creditors of the company, to the amount so remaining unpaid; and in like manner shall the directors be liable individually for any amount they may declare and authorize to be paid out to the stockholders as dividends when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, the dissenting director shall enter or cause to be entered on the minutes of the board his dissent thereto; or, if not present when the act is done, he shall so record or cause to be recorded his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 5. *Be it enacted*, That the said company shall not contract any debts over and above the amount of capital stock paid in; no part of which shall be withdrawn or in any way or manner diverted from the business of the company, without the consent of three-fourths, in interest, of the stockholders.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed January 30, 1854.



## CHAPTER CCCIX.

AN ACT to incorporate the Tin Craft Mining Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Arthur Wellington Hart, James Henwood, William Warne, and Thomas Tilly, their associates and successors, are hereby constituted a body politic and corporate by the name of the Tin Craft Mining Company, for the purpose of exploring for copper, lead, iron, coal, zinc, gold, and other ores, metals and minerals, and for mining, working, smelting and vending the same, and for such purposes may erect all necessary buildings and other apparatus and fixtures for carrying on their operations, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity in all suits and actions; may have a common seal, and the same alter and renew at pleasure, and may purchase, hold, mortgage, transfer and convey any real and personal estate.

SEC. 2. *Be it enacted*, That the first meeting of said corporation may be called by the persons named in this act, or a majority of them, at such time and place as they may select, and at such meeting a board of directors shall be chosen from among the stockholders by the votes of a majority of the stockholders present at such meeting, and such board of directors shall take charge of the operations of the Company, subject to such rules and regulations as may be adopted by the stockholders; that said directors shall hold office for one year, or until their successors are appointed; and may adopt such by-laws and regulations for the government of the concerns of the Company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the Constitution and laws of the United States, and of this State. Organization.

SEC. 3. *Be it enacted*, That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said Company, showing their place of residence and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in, which book shall during the usual hour of each secular day be opened at the place of business of said Company for the in- Shall keep a book.

spection of the stockholders and creditors of the said Company and their representatives.

Division of  
stock.

SEC. 4. *Be it enacted*, That the said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof, in such manner and form as they may deem expedient; and may levy and collect assessments; forfeit and sell delinquent shares; declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct.

Debts.

SEC. 5. *Be it enacted*, That the said corporation shall not contract debts until the sum of twenty thousand dollars of the capital is paid in; no part of which shall be withdrawn or in any manner be diverted from the business of the Company; and shall not contract debts at any time to an amount exceeding the capital stock of the said Company.

SEC. 6. *Be it enacted*. That this act shall take effect from and after its passage, and shall continue to confer upon the corporation hereby created the rights vested in them for the term of thirty years.

Tillico Mining  
Company.

SEC. 7. *Be it further enacted*, That William P. H. McDermott, Newton J. Spillman, T. Nixon Van Dyke, Thomas J. Campbell, Penelope H. Campbell, James B. Cooke, Samuel Smalling, Henry H. Stephens, Isaac T. Lenoir, Jonathan Thomas, James Kirkland, John Kirkland and Jonas Lynn, are hereby constituted a body politic and corporate under the name and style of the "Tillico Mining Company," for the purpose of exploring and mining for copper and other ores, minerals and metals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them, their associates and successors for the period of ninety-nine years, with power to make and use a common seal, and at pleasure to alter or change the same; to make such by-laws, not inconsistent with the laws of this State or of the United States, as said company may deem proper and necessary for its government; in its corporate name to sue and be sued, to plead and be impleaded, to hold by purchase, or otherwise, and to dispose of the same, in any way, any real estate or personal property which may be useful or necessary for carrying on the operations of said company, or which it may become possessed of in payment of debts due to it; *provided* always, that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

Capital stock.

SEC. 8. *Be it enacted*, That the capital stock of said

company shall not be less than two hundred thousand dollars, nor more than one million of dollars, to be divided into shares of not less than ten dollars each. The amount of capital stock, the number and price of shares shall be fixed and agreed upon by the corporators at their first meeting under this act. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe; the shares shall be considered as personal property, and shall be transferable only on the books of the company in person or by attorney.

SEC. 9. *Be it enacted*, That the corporators named in the first section of this act, shall be the directors for the first year, and until others are elected in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days previous notice being given in some newspaper published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year, but in case of failure to elect a board of directors, the charter of the company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number President, and may appoint such other officers and agents as they may deem proper, and affix their salaries and compensation. Organization.

SEC. 10. *Be it further enacted*, That all the stockholders who shall not have paid their stock according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining of their stock unpaid; and in like manner shall the directors be liable individually for any amount they may declare or authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on his part, a dissenting director shall enter, or cause to be entered on the minutes of the board his dissent thereto, or if not present when the act is done, he shall so record, or cause to be recorded his dissent thereto, within thirty days after such dividend shall have been authorized. Individual liability.

SEC. 11. *Be it further enacted*, That the said Company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from Debts.

the business of the company, without the consent of three fourths in interest of the stockholders.

Silver Ridge  
Mining Com-  
pany.

SEC. 12. *Be it further enacted*, That John King, Robert F. Cooke, John Hambricht, H. M. D. McElrath and Andrew L. Rogers, are hereby constituted a body politic and corporate under the name and style of "The Silver Ridge Mining Company," for the purpose of exploring and mining for copper and other ores, minerals and metals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them, their associates and successors, for the period of ninety-nine years, and to have all the powers and privileges and to be subject to all the restrictions conferred by this act on the Tillico Mining Company, except the capital stock shall not be less than one hundred thousand dollars, nor more than one million; and five dollars shall constitute a share of stock.

'Monroe Min-  
ing Company.

SEC. 13. *Be it further enacted*, That Robert F. Cooke, George Brown, John King, Josiah J. Wright, Wm. L. Eakin, and A. J. Neill, are hereby constituted a body politic and corporate, under the name and style of "The Monroe Mining Company," for the purpose of exploring and mining for copper, lead, silver and other ores, minerals and metals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them, their associates and successors for the period of ninety-nine years, and to have and enjoy all the powers and privileges and subject to all the restrictions that are conferred on the Tillico Mining Company by this act, except that the capital stock of said company shall not be less than fifty thousand dollars, nor more than two millions, and the capital stock may be divided into shares of not more than five dollars.

New York Mi-  
ning Company.

SEC. 14. *Be it further enacted*, That Elisha E. Griffith, Robert F. Cooke, Elisha Kimbrough, John King, William C. King, George Brown, Joseph E. Houston, Joseph Johnston, Wm. L. Eakin, and Josiah J. Wright, are hereby created a body politic and corporate under the name and style of "The New York Mining Company," for the purpose of exploring and mining for copper, coal, lead, gold and other minerals, ores and metals, and for working, smelting, manufacturing and vending the same, and to continue in existence for the period of ninety-nine years, and to have and enjoy all the powers, benefits and privileges and to be subject to all the restrictions that are conferred on the Tillico Mining Company by this act.

SEC. 15. *Be it further enacted*, That John King, Robert F. Cooke, and Joseph Johnston, are hereby created a body politic and corporate, under the name and style of "The Fork Creek Lead Mining Company," for the purpose of exploring and mining for lead and other ores, minerals and metals, and for working and vending the same, and to continue in existence for the period of ninety-nine years, and to have and enjoy all the powers, privileges, and to be subject to all the restrictions, conferred by this act on the Tillico Mining Company, except the capital stock shall not be less than fifty thousand dollars, and may be divided into shares of five dollars each.

Fork Creek  
Lead Mining  
Company.

SEC. 16. *Be it further enacted*, That Thomas C. Lyon, H. H. Stephens, A. M. Wallace, George Brown, James A. Wright, Josiah J. Wright, John J. Humphreys, Joseph Johnston, and C. W. Coffin, are hereby created a body politic and corporate, under the name and style of "The Mount Vale Mining Company," for the purpose of exploring and mining for copper, iron, lead, gold, coal and other ores, minerals and metals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them, their associates and successors, for the period of ninety-nine years, and to have and enjoy all the powers and privileges, and to be subject to all the restrictions conferred on the Tillico Mining Company by this act, except the capital stock shall not be less than fifty thousand, nor more than five millions of dollars, and may be divided into shares of five dollars each.

Mount Vale  
Mining Com-  
pany.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,

*Speaker of the Senate.*

Passed February 13, 1854.

## CHAPTER CCCX.

AN ACT to authorize the extension of the North Eastern and South Western or Will's Valley Railroad of Alabama to Chattanooga or elsewhere in this State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the North Eastern and South Western Railroad Company of Alabama, or the Will's Valley Railroad Company of Alabama, or whichever of the two shall first locate and in good faith commence the construction of the road, are hereby authorized and permitted to extend their road from the southern line of this State in Lookout Valley to a connection with the Nashville and Chattanooga Railroad at Chattanooga or elsewhere in this State, with all the rights, powers, privileges and franchises, so far as the same are applicable, which said Nashville and Chattanooga Company have by the terms of an act passed 11th December, 1845, entitled "an act to incorporate the Nashville and Chattanooga Railroad Company," and subject to the liabilities and restrictions therein imposed.

Harrison,  
Georgetown,  
and Charleston  
Railroad  
Company.

SEC. 2. *Be it enacted*, That the charter of the Chattanooga, Harrison, Georgetown and Charleston Railroad Company be so amended that the company, by its directory, may locate and construct their road upon the route deemed by them most suitable and advantageous for a railroad connection between Chattanooga and the East Tennessee and Georgia Railroad. But, in order to afford the Tennessee Western and Charleston Railroad Company and all others interested, an opportunity of exercising an influence in the proper location of the road, the provisions of this act shall not take effect on or be in force until four months after the passage thereof.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER CCXXI.

AN ACT to authorize the extension of the Memphis and Charleston Railroad, and for other purposes

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis and Charleston Railroad Company shall have power to extend their road from the State line of Alabama, passing through or north of the town of Jasper as practicable, on the north side of Tennessee river, and crossing said river opposite Chattanooga; which said company, to aid in the construction of said extension shall be entitled to all the rights, powers, privileges and franchises, and be subject to the same restrictions and liens as conferred on said Memphis and Charleston Railroad Company by an act passed February 11th, 1852, entitled "an act to establish a system of internal improvements in this State," so far as said road lies within this State.

SEC. 2. *Be it enacted*, That for the purpose of aiding in the construction of the bridge across Tennessee river on said road, that the same benefits, powers, restrictions and liens as are conferred on the East Tennessee and Georgia Railroad be confirmed and granted to the Memphis and Charleston Railroad Company, except that in requiring the funds to be deposited in some bank in Knoxville, that they be authorized to deposit in some bank in Chattanooga or Memphis. Bridge.

SEC. 3. *Be it enacted*, That should the Memphis and Charleston Railroad company fail and refuse to locate and put said road so authorized to be extended, or some portion of the same, under contract within twelve months from the passage of this act, then and in such case of failure or refusal, the formation of a company is hereby authorized for the purpose of constructing a railroad as contemplated in the first section of this act, so as to connect with the Nashville and Chattanooga Railroad, or with the Memphis and Charleston Railroad; which said company, when formed, shall be a body corporate by the name and style of the Junction Jasper and Chattanooga Railroad Company; and by such name shall have and enjoy, possess and exercise all the rights, powers, privileges and franchises, so far as the same are applicable, which the Nashville and Chattanooga Railroad Company have by the terms of an act passed 11th December, 1845, entitled "an act to incorporate the Nashville and Chattanooga Railroad Company," and be subject to the same liabilities and restrictions therein imposed; *provided*, that the prohibi- Junction Jasper and Chattanooga Railroad Company.

tion against granting a charter for any lateral or parallel road shall not be applicable to this charter, *and provided further*, that each share shall entitle the owner thereof to one vote.

Capital stock.

SEC. 4. *Be it enacted*, That the capital stock of said company shall be eight hundred thousand dollars, and if that amount be insufficient to build the road, it may hereafter be increased to any amount deemed by them necessary for that purpose; to be divided into shares of twenty-five dollars each. George W. Rice, John Haley, David Rankin, William S. Griffith, Jackson Pryor, Isom P. Alexander, William J. Kelly, Jeremiah Maxwell, Josiah M. Anderson, John M. Havron, Joshua Easterly, Raphael Shelton, Robert Sweeney, Samuel Williams and William Stringer, are hereby appointed a board of commissioners, a majority of whom shall be competent to act, who may, at such times and places and upon such terms as they may think proper, dispose of or open books for the subscription of said stock, and who shall, as to this road, have the powers and perform the duties prescribed for the board of commissioners of the Nashville and Chattanooga Railroad Company by the fourth section of the act aforesaid, in relation to that road, except the said commissioners instead of meeting at Nashville shall meet in Jasper, and except publishing in some newspaper in Nashville, may publish in such newspaper or papers they may think proper; and whenever the number of six hundred shares shall be subscribed, the company shall be considered as formed, as having a corporate existence, as aforesaid, and the board of commissioners may proceed to survey the road and make an estimate of the cost of its construction; and when one thousand shares shall have been subscribed, the board of commissioners shall appoint a time for the stockholders to meet at Jasper for the purpose of electing seven directors to manage the affairs of the company, out of which number so elected they, the directors, shall immediately elect a president.

Commissioners

SEC. 5. *Be it enacted*, That the Junction Jasper and Chattanooga Railroad Company shall have power to construct the before-mentioned line of road, with all the powers, rights, privileges and advantages herein conferred or granted to the Memphis and Charleston Railroad Company.

Powers.

SEC. 6. *Be it enacted*, That the Junction Jasper and Chattanooga Railroad Company is hereby authorized and empowered to amalgamate its stock with, or trans-



for it to, any railroad company whose road connects therewith; which said amalgamation or transfer shall carry with it all the rights, privileges and benefits of said company so amalgamated with; and any railroad company whose road connects with said Junction Jasper and Chattanooga Railroad, is hereby authorized and empowered to receive said amalgamation, assignment or transfer of stock aforesaid, *provided* the same be done by the mutual consent of both companies; and when the same is thus amalgamated with any other road, the same shall be entitled to all the powers, privileges, benefits, restrictions and liens heretofore granted and confirmed to said road so amalgamated with. The State aid herein intended to be given per mile being the same that is allowed to the railroads therein named by the act of 8th February, 1854, and no more.

SEC. 7. *Be it further enacted*, That Richard G. Fain, Wm. Carmack, Henry Tarter, Wm. Winn, E. C. Gillenwaters, O. C. Miller, Jesse M. Lyons, E. Howard, Joshua Phipps, Harvey Hamilton, Jos. Clark, and Wm. Gamble, be and are hereby added to the board of commissioners appointed to receive subscription to the capital stock of the Rogersville and Jefferson Branch Road, and that the company to whom the charter was granted for said branch road, be and are hereby permitted and authorized, at their own discretion, to extend said Rogersville and Jefferson road from Rogersville to the Virginia State line, at or near Moccasin Gap, which shall be surveyed and located by a competent engineer on the nearest, best and most practicable route, and that the present company, to whom the charter was granted, shall enjoy all the rights and privileges, and be governed by all the regulations and restrictions by which they are governed in the charter granted for the Rogersville and Jefferson Railroad.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed February 23, 1854.

## CHAPTER CCCXII.

AN ACT to amend the charter of the Nashville and North Western Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the forty-second section of an act entitled an act to charter the "Nashville and North Western Railroad," passed January 22d, 1852, be so amended as to read as follows: That the President and board of directors of the Nashville and North Western Railroad Company, may commence the work on said road where it intersects the Mobile and Ohio Railroad, in Obion County, Tennessee, at the point where the cheapest and most practicable route to the Madrid Bend will strike said Mobile and Ohio Road, to be ascertained by a sworn engineer, and prosecute their work eastwardly from that point, instead of commencing on the Mississippi river as required in the forty-second section of their charter, and also on both banks of the Tennessee river if in the opinion of the board of directors it is expedient to do so, *provided*, that no call shall be made on the stockholders residing west of the Mobile and Ohio railroad, until that part of the Nashville and North Western railroad lying west of the Mobile and Ohio road is under contract. And *Provided further*, that this amendment shall not be binding on the company, or become a part of its charter until the same is ratified at a general meeting of the stockholders in said company (called for the purposes, by order of the board of directors) by a vote of a majority in interest of the stockholders, counting the votes according to the basis fixed in the charter of said company in the election of directors.

SEC. 2. *Be it enacted*, That the 37th section of an act entitled an act to incorporate the Nashville and North Western Railroad Company, passed 22d January, 1852, chap. 74, be so amended as to allow said railroad company three years from the passage of this act, to commence their work, and four years from the passage of this act to complete a section of "thirty miles," ready to receive the iron rails, and that the said company shall receive the State aid as provided by the act of the 11th of February, 1852, entitled an act to establish a system of Internal Improvements in this State, *provided*, that the Nashville and North Western Railroad shall be located through Dickson County.

Bridge.

SEC. 3. *Be it enacted*, That the forty-third section of

the charter of the Nashville and North Western Railroad Company, be so amended, as to allow said company to construct a "draw bridge" across the Tennessee river, so as not to obstruct the free navigation of said river.

SEC. 4. *Be it enacted*, That said company be, and they are hereby allowed to receive subscriptions, for three quarter, half, and quarter shares of stock, and issue certificates for such fractional shares of stock. Fractions of stock.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed February 1, 1854.

## CHAPTER CCCXIII.

AN ACT to charter the Tullahoma and Southern Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate, is hereby constituted by the name and style of the "Tullahoma and Southern Railroad Company," for the purpose of constructing a railroad from Tullahoma, in the County of Coffee, to such point on the Nashville and Southern or the Tennessee and Alabama Railroad as the President and directors of said Tullahoma and Southern road may deem most practicable; and said company shall have and enjoy all the rights, powers and privileges, and be subject to all the liabilities and restrictions prescribed in the charter of the Nashville and Chattanooga Railroad, and the various amendments thereto, except as herein provided. *Provided*, nothing herein contained shall be so construed as to entitle said railroad to State aid.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be six hundred thousand dollars, with power to increase the same to an amount sufficient to build and equip said road. The capital stock shall be divided into shares of twenty dollars each, and whenever two thousand five hundred shares of the capital stock of said company are subscribed for, said company may organize by the election of a board of directors, who shall elect a President from their number as Capital stock.

prescribed in the charter of the Nashville and Chattanooga Railroad Company, and at all meetings of the stockholders when a vote is to be taken, each stockholder shall have one vote for each share of stock owned by him.

Commissioners

SEC. 3. *Be it enacted*, That James E. Hogan, Joseph M. P. Hickerson, — Hunt, of Coffee county; Benjamin Berry, William Tally, Joseph Whitaker, Henry Kelso, Andrew Buchanan, James Fulton, Melum Moore, David Robertson, John Goodrich, of Lincoln; Benjamin Garrett, John S. Young, James McAllum, Thomas M. Jones, Thomas Martin, Berry Carter, and Andrew M. Ballentine, of Giles; Stephanus Busby, William McAllister, John A. Hagan, Daniel Bentley, and David Nowlin, of the County of Lawrence, be and they are hereby constituted a board of Commissioners, a majority of whom may act, to manage all the affairs of said company, until it shall be organized by the election of a board of directors as aforesaid, to open books for the subscription of stock at such times and places, and in such manner as they may deem best; to appoint an agent or agents to procure subscription of stock, to provide for experimental surveys of routes for said road, and for the payment for making such surveys, by a call or calls upon the stockholders who have subscribed for stock in said road, or in any other way they may deem advisable; said commissioners or the board of directors, after the same shall be organized, shall not be compelled to require any part of the stock subscribed for to be paid in cash at the time of subscribing, but each subscriber shall execute his or her note for one dollar on each share of stock subscribed, payable to said company, and it shall be lawful for the same to be sued for and recovered in the name of the company from such subscriber, whether said company shall organize or not, to be used in defraying the expenses of the aforesaid survey.

Surveys.

SEC. 4. *Be it enacted*, That said road shall commence at Tullahoma, connecting at that point with the Nashville and Chattanooga, and the McMinnville and Manchester Railroad, or at Pulaski, or at Fayetteville, connecting with the Winchester and Alabama Railroad, and shall terminate at such point on the Nashville and Southern Railroad, or at such point in the county of Giles or Lawrence, upon any other railroad that may be constructed through either of those counties, as the President and directors in their discretion may think best, so as to open a connection with the

Route of road.

New Orleans, Mobile or Memphis, or all three of the above points.

Sec. 5. *Be it enacted*, That said company shall have ten years in which to complete their said railroad, and whenever five miles of said road shall have been completed, said company may carry on its regular business upon the same, and said company shall have five years in which to begin the construction of said railroad.

WM H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 9, 1854:

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## CHAPTER CCCXIV.

AN ACT to incorporate the Greeneville and Frenchbroad Railroad Company.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That for the purpose of establishing a communication by railroad from some of the railroads now built, or in course of construction in the State of South Carolina, along the Frenchbroad valley, across the western part of the State of North Carolina, so as to effect a direct connexion between one of said roads in South Carolina and the East Tennessee and Virginia Railroad, in East Tennessee, the formation of a company is hereby authorized, which, when formed, shall have corporate existence in each of the States as aforesaid, and have all the rights, privileges and immunities hereinafter granted.

Sec. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, William M. Lowrey, A. W. Walker, Wm. Girdner, David T. Patterson and Wm. Maloney, of the State of Tennessee; N. W. Woodfin, Will. T. Rankin, James W. Patton, John A. Fagg, Columbus Mills and John Baxter, of the State of North Carolina; Benj. F. Perry, Simpson Bobo, Gabriel Cannon, C. I. Elford and James H. Irby, of the State of South Carolina, are hereby appointed commissioners, with power to open books for the subscription of stock at such times and places, and under the direction of

such persons as they or a majority of them may deem proper, and the said commissioners shall have power to appoint a chairman of their body, treasurer, and all other officers; and to sue for and recover all sums of money that ought, under this act, to be received by them.

Subscription &  
collection of  
stock.

**SEC. 3.** *Be it further enacted,* That all persons who may be authorized to open books for the subscription of stock, by the commissioners herein appointed for that purpose, shall open said books at any time after the ratification of this act, twenty days' previous notice having been given in some one or more of the public newspapers in the State in which they propose to open said books, and that the said books, when opened, shall be kept open for the space of thirty days at least, and as long thereafter as the commissioners first above named shall direct; and all subscriptions of stock shall be in shares of fifty dollars, the subscriber paying at the time of making subscription, discretionary with the commissioners, one dollar on each share subscribed, to the person or persons authorized to receive such subscription; and in case of failure to pay said sum; all such subscriptions shall be void if the commissioners choose to declare it so, or they may direct it to be recovered by suit or otherwise; and upon closing the books, all such sums as shall have been thus received of subscribers, shall be paid over to the general commissioners hereinbefore named, by the person receiving them; and for failure thereof, such person or persons shall be personally liable to said general commissioners before the organization of said company, and to the company itself after its organization, to be recovered in any court in the county which such delinquent resides, having competent jurisdiction. Said general commissioners shall have power to require all persons empowered to receive subscriptions of stock, at any time, and from time to time as a majority of them may think proper, to make a return of stock, by them respectively received, and to make payments of all sums made by the subscribers; and all persons receiving subscriptions of stock, shall pass a receipt to the subscriber or subscribers, for all payments heretofore required to be paid; and upon their settlement with said general commissioners as aforesaid, they shall take receipts in like manner; which receipts shall be good and sufficient vouchers for the persons holding the same.

Books to be  
kept open.

**SEC. 4.** *Be it further enacted,* That it shall be the duty of said general commissioners, to direct and authorize the keeping open of books for the subscription of

stock in the manner above described, until the sum of two hundred thousand dollars shall have been subscribed to the capital stock of said company, when the company shall be considered as formed, and may take measures for complete organization. To this end, said general commissioners, or a majority of them, shall sign and seal declarations to that effect, with the names of the subscribers appended, and cause a copy thereof to be filed in the office of Secretary of State, in each of the States of Tennessee, North Carolina and South Carolina, and appoint a time and place for the meeting of stockholders, and shall cause the same to be published in one or more public newspapers for four weeks previous to the day of meeting; at which time and place the subscribers of stock may attend in person or by proxy; and the meeting having assembled, and a proper registry made of all the subscribers who may be in attendance in person or by proxy, said general commissioners, or a majority of them attending, shall present a ballot-box in which the subscribers may vote by ballot for a president and nine directors, to serve for one year and until others are duly elected and enter upon the duties of their offices; and said commissioners shall count the ballots, declare the election, and make and deliver proper certificates under their hands of the same.

*Sec. 5. Be it further enacted,* That in said election, and in all future elections of president and directors, and in the making, altering and repealing of by-laws, and in determining on measures involving the interest of the company, at any stated or occasional corporate meeting, the rates of the stockholders shall be taken, and governed by the scale and regulations following: The owner of one or two shares shall be entitled to one vote; the owner of three or four shares shall be entitled to two votes; the owner of five or six shares shall be entitled to three votes; the owner of seven or eight shares shall be entitled to four votes; the owner of not less than nine, nor more than eleven shares, to five votes; the owner of not less than twelve, nor more than fifteen shares, to six votes; the owner of not less than sixteen, nor more than twenty shares, to seven votes; the owner of not less than twenty-one, nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven, nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four, nor more than forty shares, to ten votes; the owner of not less than forty-one, nor more than one hundred shares, to ten votes for forty shares, and one vote for every eight

shares thereafter; the owner of more than one hundred, and not more than two hundred shares, to vote as here provided for one hundred shares, and one vote for every ten shares above that number; and the owner of more than two hundred shares to vote as herein provided for two hundred shares, and one vote for every twenty shares above that number. No one but a stockholder shall be capable of being a proxy, and the appointment of a proxy shall be in writing and verified as may be required by the by-laws of the company; and any person offering to vote as proxy, may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock on which he or she proposes to vote as proxy.

Annual elections.

**Sec. 6.** *Be it further enacted,* That the president and directors shall be elected annually according to the by-laws to be made for that purpose; and in case any vacancy occurs in the board of directors between the periods of general elections, a majority of the board of directors, at any regular or stated meeting of the board, may elect, by ballot, from the stockholders, a person to fill said vacancy until the next general election of directors. But if it happens that the day of annual election of president and directors, shall pass without election of all or any of them being effected, the corporation shall not be dissolved or discontinued thereby; but said company may make such election on any other day, and in such manner as may be prescribed by the by-laws of the corporation.

General powers

**Sec. 7.** *Be it further enacted,* That the said company, when organized as aforesaid, shall be called the Greenville and French Broad Railroad Company, and have continued succession of members; may make and have a common seal, and break and alter it at pleasure: may sue and be sued, and answered unto by their corporate name aforesaid, in any of the courts of law or equity in either of the States aforesaid, and shall be capable at all times of making and establishing, altering and revoking, all such regulations, rules and by-laws for the government of said corporation and its directors, as they may find necessary and proper, for effecting the ends and purposes intended by the association contemplated by this act; *Provided,* such regulations and by-laws be not repugnant to the constitution and laws of this or any other State through which the road hereby authorized to be built will pass.

**Sec. 8.** *Be it further enacted,* That said company is hereby authorized to construct a railroad with one or



more tracks along the valley of the French Broad, so as to connect the points mentioned in the first section of this act; and for this purpose they shall have power and capacity to purchase, take and hold in fee simple, or for years, to them and their successors, any lands, tenements and hereditaments, that they may deem necessary for the site, on and along which to locate, run and establish the railroad aforesaid, and to vary or alter the plan or plans to such breadth or dimensions, through the whole course of the road, as they may see fit; and in like manner to purchase, take and hold any lands contiguous to, or in the vicinity of said railroad, that they may find necessary for the procuring, and from time to time readily obtaining all proper materials of what kind soever, for constructing, repairing, grading and sustaining said railroad, and in like manner to purchase all private rights of way or water courses, that may lie on or across the route through which the said railroad may pass, and also of all lands contiguous thereto, that may be found necessary for the erection of toll houses, store houses, workshops, barns, stables, residences and accommodations for servants, agents and mechanics, and for the stabling and maintaining all animals of labor, and the said company shall have power, if necessary, to conduct their railroad across and over any public road, river, creek or water course, that may be in the route; *Provided*, that the passage of the road or the navigation of the streams be not obstructed thereby.

Sec. 9. *Be it further enacted*, That in any case where lands or private rights of way may be required by said company for the purpose aforesaid, and the same cannot be purchased of the owner or owners for the want of agreement of the parties as to price, or from any other cause, the same may be taken by the company at a valuation to be made by five commissioners, or a majority of them, to be appointed by the circuit court of the county in which any part of said land or right of way may be situated, and the said commissioners, before they act, shall severally take an oath before some magistrate, faithfully and impartially to discharge the duty assigned them. and in making the said valuation, the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or right of way being taken, the establishment or erection of the railroad or works, and shall state particularly the nature and amount of the same, and the loss thus sustained shall form the

Right of way  
and materials.

Damages, how  
assessed & re-  
cover.

measure of damages for said land or right of way, and the proceedings of the said commissioners, accompanied with a full description and plot of said land, shall be returned under the hand of a majority of the said commissioners, to the court from which the commission issued, there to remain of record, and if either party is dissatisfied with the decision of the said commissioners, he, she, or they may appeal to the next term of the court granting the commission, giving a reasonable notice to the opposite party of such appeal, and the court upon satisfactory proof that the appellant has been injured by such valuation, shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and their verdict shall be final and conclusive between the parties, unless a new trial be granted, and the lands and rights of way so valued by the commissioners or jury, shall vest in said company in fee simple; so soon as the valuation thereof is paid, or tendered and refused. Where there shall be an appeal as aforesaid, from the valuation of the commissioners, by either of the parties, the pendency of such appeal shall not prevent the company from proceeding in the construction of their work in and upon said land or way; but when the appeal shall be made by the company requiring the surrender, they shall be at liberty to proceed in their work, only on condition of giving to the opposite party a bond with good security, to be approved by the clerk of the court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury, and confirmed by the court; and in all assessments made by the commissioners or jury aforesaid, after the construction of the road, or of the part thereof upon the land to be valued, reference shall be had to the true value of the land at the time of the erection of the said road or part thereof, and the use thereof by the said company for the purposes of said road, shall be considered as an actual possession of said land, covered by said road, and the space of one hundred feet on both sides thereof.

SEC. 10. *Be it further enacted*, That in the absence of any written contract between the said company and the owner or owners of said land, through which the said railroad may be constructed, in relation to said land, it shall be presumed that the land upon which the said railroad may be constructed, together with one

Title presum'd

hundred feet on each side of the centre of said road has been granted to the said company by the owner or owners thereof, and the said company shall have good right and title to the same, and shall have, hold and enjoy the same, unto them and their successors, so long as the same may be used only for the purpose of the said road, and no longer, unless the person or persons to whom any right or title to such lands, tenements or hereditaments, descend or come, shall prosecute a suit for the same within two years next after the construction of such part or portion of said road as may be constructed upon the lands of the person or persons so having or acquiring such right to the title as aforesaid, and if any person or persons to whom any right or title to said lands, tenements or hereditaments belong, or shall hereafter descend or come, do not prosecute a suit for the same within two years next after the construction of the part of the said road upon the lands of the person or persons so having or acquiring said right or title as aforesaid, then he or they, and all claiming under him or them, shall be forever barred to recover the same; *Provided*, that nothing herein contained shall affect the rights of *feme covert*s, infants, persons *non compos*, or beyond sea, until two years after the removal of their respective disabilities.

SEC. 11. *Be it further enacted*, That all lands not heretofore granted to any person, nor appropriated by Public lands. law to the use of the State, within one hundred feet of the center of said road that may be constructed, be, and they are hereby vested in said company and their successors, so long as the same is used for the purposes of said company, and no longer.

SEC. 12. *Be it further enacted*, That the said company shall, at all times, have the exclusive right of convey- Rights of trans-  
ance or transportation of persons, merchandize and pro- portation,  
duce over the railroad to be by them constructed, while they see fit to exercise such right; and said company are hereby authorized to fix and determine the rates of charge for the transportation of persons, merchandize and produce, so as to secure a reasonable and adequate return upon their capital invested, not to exceed the average annual yield on such capital, after paying all expenses of twenty per centum. The said company may, at their discretion, let or farm out all or any part of their exclusive right of transportation of persons, merchandize and produce, with their privileges to any individual or individuals, or other company, and for such terms as may be agreed upon, subject, always, to the provision

contained in this section in relation to the rates of charge; and the said company, in the exercise of their right of conveyance and transportation of persons or property, and the persons so taking from the company the right of conveyance or transportation, so far as they act on the same, shall be regarded as common carriers; and the said company may use or employ any section of their proposed road, before the whole shall be completed, which may afford public accommodation for the conveyance of persons, merchandize and produce; and the said company shall have power to take at the store-houses they may establish or annex to the said railroad, all goods, wares, merchandize and produce intended for transportation or conveyance, prescribe the rules of priority, and charge such reasonable prices and compensation for services and storage, as they may, by public regulations, establish, or as may be agreed upon with the owner.

**Sec. 13.** *Be it further enacted,* That whenever the said company shall see fit to farm out as aforesaid, to any person or persons, or body corporate, any part of their exclusive right of conveyance and transportation, or shall deem it expedient to open said railroad, or any part thereof, to public use, they shall and may adopt and enforce all necessary rules and regulations; prescribe the construction and size, or burthen of all carriages and vehicles, and the materials of which they shall be made, that shall be used on said road, and the locomotive power that shall be applied to or used with them.

**Sec. 14.** *Be it further enacted,* That if any person or persons shall intrude on said railroad, or any part thereof, by any manner of use thereof, or of the rights or privileges connected therewith, without the permission, or contrary to the will of the said company, he, she or they shall forfeit to the company all vehicles, articles and animals that may be so intrusively introduced and used thereon, and the same may be seized by the company or its agents, or recovered by suit at law; and moreover, the person or persons so intruding, shall and may be indicted as for a misdemeanor, and upon conviction, may be fined and imprisoned in the discretion of the circuit court of the county in which he, she or they shall have committed the offence, and shall be tried and convicted; and if any person shall wilfully and maliciously destroy, or in any manner hurt, damage, injure or obstruct said railroad, or any vehicle, edifice, right or privilege granted by this act, and constructed and em-

Penalty for obstruction or intrusion.

ployed under the authority thereof, such persons, so offending, may be indicted as for a misdemeanor therefor, and on conviction fined and imprisoned in the discretion of the court, and shall be further liable to pay the said company all damages occasioned by said injury, and the expense of repairing the same; and one half of all fines that may be imposed by the court under this act, shall be paid to the informer, and the other half to the company; and the provisions of this section shall be extended as well to the owners of the lands through which said road may be constructed as to other persons; and no owner, or other person claiming under him or her shall avoid said provisions by the plea of *liberum tenementum*, or by any other plea whatever.

Sec. 15. *Be it further enacted*, That the president and directors of said company, a majority of them being present, shall have power and authority to nominate and appoint a secretary and treasurer, and all other officers, Officers and agents. agents and servants that they may deem necessary, or that may be prescribed in the by-laws of the said company; and to remove the same at pleasure; and also to require and take from all the officers, agents and servants, such bond or bonds and security, as the board or the by-laws may prescribe, for securing the fidelity, obedience and accountability of the said officers, agents and servants, and their punctual surrender and delivery of all monies and property, on the termination of their offices, by resignation, removal, expiration of their term or otherwise.

Sec. 16. *Be it further enacted*, That every subscriber or holder of stock in said company shall pay to the company the amount of the shares by him or her subscribed or held in such instalments, not exceeding ten Payment of stock. per centum at any one time, and at such periods, with intervals of not less than sixty days, as shall be subscribed and called for by the directors; of which periods of payments, and the sums required, the board of directors shall cause public notice to be given for at least four weeks previous to such periods of payment, by advertisement in one or more public newspapers; and on failure of any subscriber or stockholder to pay up any instalments so called for by the directors, the shares upon which default shall be made, together with any part payment thereon, shall be forfeited to the company, and be appropriated as they shall see fit; and the said company shall and may prescribe in and by their by-laws, rules and regulations, the mode of issuing the evidence

of stock, and the manner, terms and conditions of assigning and transferring the same.

**Instalments & dividends.** SEC. 17. *Be it further enacted*, That the president and directors of said company shall have power to call for all instalments, declare all dividends of profits, make all contracts and agreements in behalf of the company, and to do and perform all other lawful acts and deeds which, by the by-laws of the corporation, they may be authorized and required to do and perform; and the acts and contracts of said board, authenticated by the signatures of the president and secretary, shall be binding on the company without seal. The directors shall not exceed in the contracts, the amount of capital in the company; and in case they do so, the president and directors who are present at the meeting when any such contract, exceeding the capital, shall be made, shall be jointly and severally liable for the excess, as well to the contractors as to the company; *Provided*, that any one may discharge himself from liability by voting against such contract, and causing such vote to be recorded in the minutes of the directors, and giving notice thereof to the next general meeting of stockholders. The president and directors shall keep minutes of all their meetings, and of the acts there done; and they shall make a full report of the state of the company and its affairs, to a general meeting of the stockholders, at least once a year, and oftener if so directed by the by-laws; and they shall have power to call a general meeting of the stockholders when they deem it expedient; and the company may provide in their by-laws for the occasional meeting of the stockholders, and prescribe the mode of calling the same.

**Exemptions.** SEC. 18. *Be it further enacted*, That the following officers and persons, while in the actual employment of said company, shall be exempt from the performance of military duty, and from service on juries, viz: The chief engineer and assistant engineers; the commissioner and superintending officer; the secretary and treasurer; keepers of the depositories; the guards stationed on the road to protect it from injuries; and all persons actually employed in working the locomotive engines, and in travelling with cars for the purpose of attending to the transportation of passengers or goods on said road.

**May increase stock.** SEC. 19. *Be it further enacted*, That said company may, at any time, increase their capital stock to an amount sufficient to complete and equip the road here-

by authorized to be built ; and for this purpose may levy an assessment of not more than twenty per cent. on the stock subscribed, or cause books to be opened for further subscription of stock, under such rules, regulations and restrictions, as they may prescribe.

**Sec. 20.** *Be it further enacted,* That the franchise hereby granted, shall vest in, belong to, and be enjoyed by said company and their successors, for the period of <sup>Taxation.</sup> one hundred and ninety years, and the profits thereof shall be divided among the shareholders, in proportion to the stock owned by them respectively, during which term the stock of said company, and the real estate which may be purchased by them and connected with, or subservient to their works hereby authorized, shall be exempted from taxation.

**Sec. 21.** *Be it further enacted,* That on the failure of any stockholder to pay his installments or any one of them, as called for, and his or her stock shall be sold by <sup>Failure to pay</sup> the company as herein provided, and the same does not <sup>stock.</sup> produce a sum sufficient to pay off the incidental expenses of said sale, and the entire amount due to said company for such subscription of stock, then, and in that case, the whole of such balance shall be held due at once to said company, and may be recovered of such stockholder or his executors or administrators at the suit of said company, either by summary motion in any court of superior jurisdiction in the county where the delinquent resides, on a previous notice of ten days to such delinquent subscriber, or by an action of assumpsit in any court of competent jurisdiction, or by a warrant before a justice of the peace, when the sum does not exceed one hundred dollars, and in case of the assignment of stock before the whole amount has been paid to the company, then for all sums due on said stock, both the original subscriber, and the first and all subsequent assignees shall be liable to the company, and the same may be recovered as above described.

**Sec. 22.** *Be it further enacted,* That the installments due the company, from any of the stockholders, either as original proprietor or as subsequent purchaser or assignee, shall be considered as of equal dignity with judgments in the distribution of assets of a deceased stockholder by his personal representative.

**Sec. 23.** *Be it further enacted,* That in case a vacancy shall happen between two periods of general election, in the office of president of the company, by re- <sup>Vacancies.</sup> signation, removal, death or otherwise, another shall be appointed by the directors, from among themselves, or

the stockholders of the company, who shall have and exercise all the powers, privileges and authority pertaining to said office, until another is duly elected and entered upon the duties thereof.

**Quorum.** SEC. 24. *Be it further enacted*, That in all annual & occasional meetings of the stockholders, a majority of stock, and in all meetings of the directors a majority of the directors, shall constitute a quorum to do business.

SEC. 25. *Be it further enacted*, That no share shall at any time be sold, conveyed, transferred, or held in trust for the use and benefit of another, whereby the said company, or any member thereof, shall be made to answer any such trust; but that every such person appearing to be the owner of stock, shall, as to all others of the company, be to every intent and purpose taken absolutely as such; but between the trustees and the persons for whose benefit such trust shall be executed, the common remedy may be pursued.

**Connection with the North Carolina road.** SEC. 26. *Be it further enacted*, That the said company shall be entitled to all the rights, privileges and immunities herein granted in each of the States of Tennessee, North Carolina and South Carolina, whenever said States shall respectively pass a similar act, so that this act of incorporation shall inure and be in force in each and every of the States aforesaid; or in case the State of North Carolina prefers to connect her Central railroad with the one hereby authorized to be constructed in this State, at or near the Paint Rock, in her county of Madison, and shall grant a charter similar in its provisions for that purpose; then, and in that event, the company hereby authorized to be formed, shall constitute and be a part of the corporation created for that purpose, with such corporate name as the State of North Carolina shall designate; and as such, shall have, exercise and enjoy all the authority, rights, powers, privileges and immunities hereby granted; *Provided*, said State of North Carolina shall grant at its next session of the general assembly, a charter with the privileges and immunities for the construction of a railroad with one or more tracks, from some point on her said Central railroad, when extended at or near the confluence of the Frenchbroad and Swannanoa rivers, so as to connect with some of the railroads now built or in progress of construction in the State of South Carolina, in which event William M. Shipp, William W. Avery, C. C. Henderson, Walter P. Caldwell and John W. Ellis, of North Carolina, shall be and they are hereby substituted commissioners instead of Benjamin F. Perry, C. J.



Elford, Gabriel Cannon, Simpson Bobo and James H. Irby of the State of South Carolina, with all the powers conferred by this act on said last named commissioners, whose places they are substituted to fill.

SEC. 27. *Be it further enacted*, That the said Greenville and Frenchbroad Railroad Company shall have power to borrow on the credit of said company, any amount they may see fit, not exceeding two millions of dollars, and may give a mortgage or lien on said road, or any portion thereof, which money shall be expended only in the construction of said road; *Provided, however*, that should either of the States named in this charter grant State aid to said road, then in that case, the lein of the State shall have priority over any other mortgage or lien that may, by the company, be given to any person or persons whatsoever; *Provided*, that nothing contained in this act shall be so construed as to impair in any manner, vested chartered rights of any turnpike company, near or over which said railroad may be built, without a reasonable compensation to said turnpike companies for any damages they may sustain by the building of the same..

May borrow  
money.

SEC. 28. *Be it further enacted*, That this act shall be regarded as a public act, and given in evidence as such; and shall be in force from and after its ratification, but shall be subject to alteration or amendment whenever the general good may require the same.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate*

Psased, November 30, 1853.

## CHAPTER CCCXV.

AN AOT to amend an act entitled an act to incorporate the Western Central Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fifth section of the act chartering the Western Central Turnpike Company be so amended as to authorize said company to run their road,

beginning as provided in the original charter, running thence to Centreville, from thence as provided in the original charter of said road, with the privilege of running a branch of said road to Vernon in the county of Hickman.

SEC. 2. *Be it enacted*, That the Western Central turnpike company shall be entitled to all the privileges and emoluments granted to the Savannah and Waynesboro' turnpike company by an act passed at the present session of the General Assembly, on conditions that the Western Central turnpike company indemnify the State for the endorsement of the bonds of said Western Central turnpike company, by giving the State good and sufficient security as provided in the bill amending the charter of the Savannah and Waynesboro' turnpike company.

SEC. 3. *Be it enacted*, That William Clagget, *Levin Commissioners* Goodrich and S. H. Williams, of the county of Hickman, be appointed commissioners for said Western Central turnpike company, in the place of W. N. Hart, W. L. Winns and Jesse Hart, whose places have been vacated.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 2, 1854.

## CHAPTER CCCXVI.

AN ACT to correct errors in the sale of School Lands in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when it shall be made to appear to the circuit court of any county in this State, that error has been committed in the survey or sale of any township school land in such county, said court shall have power, and it shall be the duty of the court to order that such error shall be corrected; and the Bank of Tennessee, or any branch thereof, is hereby authorized and directed to pay back to the purchaser, any amount that may have been paid in error, out of

the funds belonging to such township; and the court shall have power to order that interest may be paid when, in the opinion of the court, it shall be proper to do so.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 3, 1854.

## CHAPTER CCCXVII.

AN ACT to authorize the President and Directors of the Bank of Tennessee to burn the defaced notes of said bank and branches, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the president and directors of the Bank of Tennessee are hereby authorized and directed to burn all the defaced notes of said bank and its branches, in the presence of the governor of the State and board of directors of said bank, that have been or may be redeemed, and which are unfit for circulation, a correct list of the denomination of each bill having been first made and filed among the papers of said bank.

SEC. 2. *Be it further enacted*, That the president and directors of the Bank of Tennessee be, and they are <sup>Director in</sup> ~~Giles~~, hereby authorized to appoint an additional director in the Branch Bank at Columbia, who shall reside in the county of Giles.

SEC. 3. *Be it further enacted*, That the president and directors of the Bank of Tennessee be, and they are <sup>Director in</sup> ~~Hickman~~, hereby authorized to appoint an additional director in the Branch Bank at Columbia, who shall reside in Hickman county.

SEC. 4. *Be it further enacted*, That the county of Rob- <sup>Robertson</sup> ~~Robertson~~ shall be added to the Nashville bank district, and <sup>county</sup> ~~county~~ shall be entitled to a director.

SEC. 5. *And be it further enacted*, That the county of Lincoln <sup>Lincoln</sup> ~~Lincoln~~ shall have two directors for the bank at Shel- <sup>county</sup> ~~county~~ byville, one of whom shall reside in Fayetteville.

SEC. 6. *Be it further enacted*, That the officers of said

bank shall keep a list of the denomination of all notes hereafter to be set apart to be cancelled.

WM. H. WISENER,

*Speaker of the House of Representatives*

EDWIN POLK,

*Speaker of the Senate*

Passed, March 3, 1854.

## CHAPTER CCCXVIII.

AN ACT to incorporate the Nashville and Knoxville Railroad Company.

WHEREAS, It is of great importance, and necessary to the best interests of Tennessee, that direct and continuous railroad communication should be had between the north-eastern and south-western extremities of the State, for the purpose of connecting with similar improvements now finished, and being made, through Virginia and other States, terminating on the Atlantic seaboard; and with the contemplated great Pacific railroad terminating at San Francisco, as well as for the purpose of developing the agricultural and mineral resources of the interior of the State; enhancing the value of lands; increasing the population; creating new markets for the productions of the soil; affording increased means of transportation; giving greater facility to travel; reducing taxes; and promoting harmony and good will between the various and conflicting sectional divisions which now exist in the State: And, whereas, in furtherance of this object, a charter has been granted for a central railroad from the Mississippi river to Nashville. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, for the purpose of establishing a communication by railroad between Nashville and Knoxville, the formation of a company is hereby authorized, which, when formed, shall be a body corporate, by the name and style of "The Nashville and Knoxville Railroad Company," and by said corporate name shall be capable in law to buy, receive by gift, hold, sell and convey, real and personal estate, as hereinafter provided; make contracts; sue and be sued; to make by-laws; and to do all lawful acts properly incident to a corporation, and necessary and proper to the

transaction of the business for which it is incorporated; and to have and to use a common seal, and the same to alter and destroy at its pleasure; and shall have perpetual succession of members, as hereinafter provided.

Sec. 2. *Be it enacted*, That the books for subscription for one hundred thousand shares of the capital stock of said company, of twenty-five dollars each, shall be opened on the first Monday in March next, (1854,) and shall be kept open for one hundred days, (Sundays excepted,) between the hours of ten o'clock in the morning, and four o'clock in the evening, of each of those days, at the following named places, and by the following named commissioners, to-wit: At Nashville, by Andrew Ewing, Alexander Allison, Samuel R. Anderson, R. B. Casleman, Eugene Underwood, James Johnson, Charles J. F. Wharton, A. L. Davis, Hugh Douglas, A. J. Dunham, M. S. Pilcher, Samuel P. Ament, Andrew Jackson, Jr., M. N. Howard, J. L. Marling, Thomas B. Eastland, J. E. Dimick, A. H. Hicks, W. B. Shappard, Enoch Ensley, John B. Johnson, James W. McCombs, Allen A. Hall, George W. Smith, John N. Esselman, H. S. Atkinson, A. V. S. Lindsley, A. Heiman, R. J. Meigs, William Prichard, James Walker, and John Shelby. At Lebanon, by Robert Hallum, M. A. Price, W. L. Martin, M. Kitrell, P. Anderson, S. Motly, Jordan Stokes, H. P. Lester, P. H. Anderson, Ralph Martin, and R. L. Canuthers. At Alexandria, DeKalb county, by F. H. Gordon, W. W. Seay, B. J. Varden, H. B. McDonald, H. Lyle, and J. H. Vaughn. At Smithville, DeKalb county, by Morrison Brien, Thomas Whaley, James Goodner, John A. Fuson, and Daniel Smith. At Sparta, White county, by M. P. Goodbar, W. G. Sims, Daniel Clark, M. C. Dibrell, A. S. Nowlin, William Bosson, John W. Simpson, John Warren, Isaac Taylor, Thomas Snodgrass, Daniel M. Doyle, John L. Goodall, J. G. Mitchell, and J. R. Stone. At White Plains, Jackson county, by Daniel Haws, S. Mattox, John Lee, Stephen Plumlee, John Perry, A. W. Dewhitt, James McKinney, and Willis Holford. At Gainsborough, Jackson county, by T. H. Butler, W. R. Kenner, W. M. Cook, Joel Suttle, S. W. Cosset, P. Witcher, James S. Quarles, George M. McWhirter, — Talbert, James Spurlock, W. H. Batts, and M. Goar. At Salina, Jackson county, by S. M. W. Fowler, Varney Andrews, Bennet Stone, and E. Lankford. At Crossville, Bledsoe county, by William Foster, Samuel Rankin, James Scott, J. G. Spears, and Elijah Haley. At Montgomery, Morgan county, by Wm. Schooler, Julian F. Scott, S. Stephens, William

Commissioners

Staples, and John Bryan. At Kingston, Roane county, by William F. Brown, John Winton, James Lackey, W. S. McEwen, Thomas N. Clark, and Thomas A. Brown. At Clinton, Anderson county, by Richard Oliver, W. Griffe, James Waller, John Tunnell, and Robt. McCamy. At Knoxville—by C. Wallace, Thomas C. Lyon, Levi McCloud, W. K. Eckle, William Sawyers, W. G. Swan, P. Dickinson, M. W. Williams, John H. Crozier, A. M. Lea and J. G. M. Ramsey. At Carthage, Smith county—by Samuel M. Fite, Armstead Moore, William Hart, D. H. Campbell, H. B. McDonald, Horace Oliver, Felix G. Mann, William Cullom, Sampson McClellan, William Young, Stephen Mann, Hiram Lyles, Benjamin J. Vaden, James High, Jeremiah Jamieson, Marmaduke Mason and James C. Saunders. At Granville, Smith county—by Dr. Holmes, David G. Shepperd, Rollins Hogan, Matthew McKinley and John Hughes. At Rome, Smith county—by James Thompson, James W. Grissom, Alfred S. Ranes, Edward Harrison, Orville Green, Robert H. Cato, M. A. Beasley and Timothy H. Williams. At Livingston, Overton county—by Alvin Cullom, Obediah Hickey, J. S. Goodpaster, L. Armstrong, Edward Cullom, Dr. Chowning, Stokely Huddleston and Robert Windle.

SEC. 3. *Be it enacted*, That the said commissioners, or a majority of them, at each of the places aforesaid, shall receive subscriptions for stock in the said railroad company, during the time the said books are directed to be kept open; and on each share so subscribed, shall demand and receive the sum of fifty cents, without which the subscription shall be void.

SEC. 4. *Be it enacted*, That as soon as the time for receiving subscriptions, as aforesaid, shall have expired, the said commissioners shall respectively deposit all the money so received by them, in some incorporated bank, redeeming its notes in specie, to the credit of the Nashville and Knoxville Railroad Company, and subject to the order of the president and board of commissioners hereinafter appointed, and shall also forward a correct list of all the subscribers to the said stock, to a board of commissioners, to be composed of the following named persons: Andrew Ewing, Alexander Allison, R. B. Castleman, John B. Johnson, M. N. Howard, Eugene Underwood, A. L. Davis, Thos. B. Eastland, Andrew Jackson, jr., James Johnson, C. J. F. Wharton, J. L. Marling, James Walker, A. J. Duncan, Samuel P. Arment, Allen A. Hall, C. E. Dimick, A. V. S. Lindsley, and John N. Esselman, (a majority of whom shall constitute a quorum).

um,) who may establish rules to govern their proceedings; choose their own president, and appoint such other officers and agents as they may think proper, and prescribe their duties; and who shall meet at Nashville on the third Monday in June next, (1854;) ascertain the whole number of shares taken in said company, and publish the same in one or more newspapers printed in Nashville and Knoxville, on or before the second Monday in July next; and if the number of ten thousand shares shall have been subscribed, on which there shall have been paid the sum of fifty cents per share, the Nashville and Knoxville Railroad Company shall be regarded as formed; and thenceforth, and from the day of the closing of the books of subscription, as aforesaid, the said subscribers to the stock shall form a body politic and corporate, in deed and in law, by the name and for the purpose aforesaid; and in all things to be represented by the board of commissioners aforesaid, until the election of a board of directors, as hereinafter prescribed.

SEC. 5. *Be it enacted*, That if, on closing the books aforesaid, the number of ten thousand shares shall not have been subscribed, then, and in that case, the said board of commissioners, by themselves or their agents, may receive subscriptions till the number of ten thousand shares be taken; and whenever that number of shares shall be subscribed, the company shall be considered as formed, <sup>When company formed.</sup> as having a corporate existence, as aforesaid; and of which notice shall be given as hereinbefore directed; and may proceed to survey the route for the road, and make an estimate of the cost of its construction. Nevertheless, no conclusive and binding location of the road shall be made by the board of commissioners, but the same be left to the determination of the first board of directors, chosen by the stockholders; and the said board of commissioners, may, by themselves or their agents, at such times and places as they may think proper, and upon such terms, as to time and manner of payment, as they may deem expedient; receive additional subscriptions, until the number of sixty thousand shares shall have been subscribed; upon which the company may be formed, and the subscribers shall thenceforth form a body corporate, as aforesaid; *Provided*, the same shall be done on or before the first day of January, eighteen hundred and fifty-nine. And for the residue of the original number of one hundred thousand shares, the said corporation, when organized, may, in like manner, receive additional subscriptions.

**SEC. 6.** *Be it enacted,* That in case more than one hundred thousand shares shall have been subscribed on closing the books, when they are first opened, the shares shall be reduced to that number by deducting the surplus shares from the highest subscribers; placing them on equality of numbers, as far as can be done; and after such reduction, the holders of the remaining shares shall form the company, and be interested therein, in proportion to the number of shares which they may then respectively hold.

**SEC. 7.** *Be it enacted,* That if, on closing the books on the first day of January, eighteen hundred and fifty-nine, the number of sixty thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by the said board of commissioners, after defraying the expenses of opening the books, and of making a survey and map of the route, and estimate of the cost of the road, which the said commissioners are hereby authorized to have made as soon as possible. The said subscription money to be refunded in proportion to the sums respectively paid by each.

**SEC. 8.** *Be it enacted,* That the affairs of said company shall be managed by a board of directors, to consist of fifteen, eight of whom shall constitute a quorum, who shall be chosen by the stockholders from their own body; and a president of the company shall be elected by the directors, from among their own members, in such manner as the regulations of the corporation shall prescribe.

**SEC. 9.** *Be it enacted,* That at the first election for directors, the board of commissioners shall have the power to appoint three judges and two clerks, for the purpose of holding said election, and upon the certificate of said judges the said directors shall be authorized to qualify as directors.

**SEC. 10.** *Be it enacted,* That to continue the succession of the president and directors of said company, fifteen directors shall be chosen annually, by the stockholders of said company, at such time and place as the president and directors may designate, giving thirty days' notice of the same, in one or more of the newspapers printed at Nashville and Knoxville; and that the directors of said company, or a majority of them, shall have the power to appoint judges and clerks of all elections, and to elect a president from among their own members, and to allow him such compensation for his services as they may deem proper; and if any vacancy



occurs by death, resignation, or refusal to act, of any president or director, before the year for which he was elected has expired, a person to fill such vacancy for the year shall be appointed by the president and directors, or a majority of them; and that the president and directors of said company shall hold and exercise their offices until a new election of president and directors. If the time fixed by a by-law of the corporation for holding the annual election of directors should pass without any election, the corporation shall not be thereby dissolved, but it shall be lawful on any other day to hold and make such election.

SEC. 11. *Be it enacted*, That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well <sup>Treasurer.</sup> and truly discharge the duties of their respective offices, to the best of their skill and judgment. And the said president and directors, or a majority of them, shall have power to elect or appoint a treasurer of said company, whose election or appointment shall be confirmed by a majority, in value, of the stockholders, and to require and take of him such bond, in such penalty, and with such securities, as they may prescribe, payable to said company, and conditioned for the faithful keeping and disbursing of all such moneys as may come to his hands; and with such other conditions as may be prescribed; upon which said bond, recovery may be had for a breach of the conditions thereof, by suit, in the name of said company, in any court having jurisdiction thereof.

SEC. 12. *Be it enacted*, That the board of directors, in absence of the president, may fill his place by electing president pro tempore.

SEC. 13. *Be it enacted*, That all contracts and agreements authenticated by the president of the board shall be binding on the company, without seal, or such other mode of authentication may be used as the company, by their by-laws, may adopt.

SEC. 14. *Be it enacted*, That the board of directors shall not exceed, in their contracts, the amount of the capital of the corporation, and of the funds which the company may have borrowed and placed at the disposal of the board; and in case they should do so, the president and directors who may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid shall be made, shall be jointly and severally liable for the excess, both to the contractor or contractors, and the corporation; *Provided*, that any one may discharge himself from such liability by voting <sup>Contracts not to exceed capital.</sup>

against such contract or contracts, and causing such vote to be recorded on the minutes of the board, and giving notice thereof to the next general meeting of the stockholders.

SEC. 15. *Be it enacted*, That the said company shall have power and may proceed to construct said railroad as speedily as their means will permit; and may use any section of said road, by them to be constructed, before the whole shall be completed, subject to the rates hereinafter mentioned; *Provided*, that said contemplated road shall be located on the most direct and practicable route.

Rates of freight. SEC. 16. *Be it enacted*, That the said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandize and produce over said road by them to be constructed; *Provided*, that the charge of transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement for every hundred miles; and five cents a mile for every passenger; *and provided further*, that the said company may, when they see fit, farm out their rights of transportation on said road, subject to the rates above mentioned.

Calls on stock. SEC. 17. *Be it enacted*, That the board of directors may call for the payment of twenty-four and a half dollars on each share of stock, in sums not exceeding two dollars, in every thirty days; *Provided*, that twenty days' notice shall be given of such call, in at least one public newspaper printed (each) in Nashville and Knoxville; and a failure to pay, or secure to be paid, according to the rules of the company, any of the instalments so called as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon; and the same shall vest in and belong to the company, and may be restored to the owner or owners by the board of directors, if they deem proper, on payment of all arrears on such share, and legal interest thereon; or the directors may waive the forfeiture, after thirty days default, and sue the stockholders for the instalments due, at their discretion.

SEC. 18. *Be it enacted*, That the stock of said company may be transferred in such manner and form as may be directed by the by-laws of said corporation.

May increase capital. SEC. 19. *Be it enacted*, That the said company may, at any time, increase its capital to a sum sufficient to complete said road, and stock it with every thing necessary to give it full operation and effect, either by open-

ing books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and works; and the manner in which the same shall be done, in either case, shall be prescribed by the stockholders at a general meeting; and any State, or any citizen, corporation or company, of this or any other State, or country, may subscribe for, and hold stock in said company, with all the rights, and subject to all the liabilities of any other stockholder.

SEC. 20. *Be it enacted*, That the board of directors shall, once in every year, at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener if directed by a by-law, and shall have power to call a general meeting of the stockholders when the board may deem it expedient. Annual report.

SEC. 21. *Be it enacted*, That it may be lawful for said company, from time to time, to vest as much, or such parts of their capital, or of their profits, as may not be required for immediate use, (until it may be so required,) in the public stocks of the State of Tennessee, or any incorporated banks in the said State; *Provided*, the sums so invested shall at no time exceed one million of dollars.

SEC. 22. *Be it enacted*, That no person but a citizen of the United States, and being a bona fide stockholder, in his own right of, at least, fifty shares, which he shall have held at least three months previous to his election, (except the first election,) shall be president or director of the company; nor shall any stockholder vote in person or by proxy at any general or other election, (except the first,) who shall not have held, in his own right, the shares on which he offers to vote, at least three months previous to such election. Qualification of president and directors.

SEC. 23. *Be it enacted*, That the stockholders may vote in person or by proxy, and in the election of directors, and in voting on all questions which may come before a meeting of the stockholders, or which may be submitted to a decision of the stockholders, in any other manner. The owner of one or more shares, shall be entitled to one vote for every share he, she or they may own as aforesaid. Scale of voting.

SEC. 24. *Be it enacted*, That the right of way is hereby granted to said corporation, and to have and hold in fee, or for a term of years, any lands, tenements or hereditaments, which may be necessary for said road, or appurtenances thereof, or for the erection of Right of way.

depositories, store-houses, houses for the officers, servants or agents of the company, or for work-shops or foundries to be used for the said company, or for procuring rock, timber, earth, sand, gravel, water, or other materials necessary for the construction of the road, or its appurtenances, or for effecting transportation thereon.

**Damages.** SEC. 25. *Be it enacted*, That where any lands or right of way may be required by the said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the circuit court of the county where some part of the land or right of way is situated, and the said commissioners, before they act, shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation, the commissioners shall first estimate the value of the land taken for the use of the railroad, considering that it is to be paid for in cash, irrespective of the necessity of the said company to appropriate on the one hand, and of the unwillingness of the owner of that particular piece of land to part with the same on the other hand; and the fair cash value of the land taken by the company, regardless of the benefits conferred or injury sustained by reason of the location or construction of said road upon the land in question, shall guide the commissioners in their estimate in the value of the same. After having thus determined the value of the land taken for the use and construction of said road, the commissioners shall proceed to estimate and inquire into the disadvantage or depreciation of the particular piece, parcel or tract of land, on account of the location or construction of said road upon the same; and if they shall find that the same has been depreciated or disadvantageously affected, they shall say to what extent, and compensation shall be made to the owner of the land therefor; but the said commissioners shall proceed further to inquire whether there be any benefits and advantages to the said land on account of the location or construction of the said road through the same, and they shall deduct the full amount of said advantages or benefits from the amount of the depreciation or disadvantage above referred to, and the balance, if any, shall be allowed to the owner of the land, in addition to the compensation he, she or they may be en-

titled to on account of the land itself so taken by said company. The proceedings of said commissioners, accompanied with a full description of the said land or right of way, shall be returned, under the hands and seals of a majority, to the court from which the commission issued, there to remain of record. In case either party to the proceedings shall appeal from the valuation, to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted; and the lands or right of way so valued by the commissioners or jury shall vest in the said company in fee simple, so soon as the valuation may be paid, or when refused, may be tendered. Where there may be an appeal, as aforesaid, from the valuation of the commissioners, by either of the parties, the same shall not prevent the works intending to be constructed from proceeding; but where the appeal is by the company requiring the surrender, they shall be at liberty to proceed in their works only on condition of giving to the opposite party a bond with good security, to be approved of by the clerk of the court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained; and in case it be reversed, for the payment of the valuation thereafter to be made by the jury, and confirmed by the court; *Provided*, that when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed during the pendency of any proceeding to assess its value, as aforesaid; nor shall any injunction or supersedeas be awarded by any judge or court to delay the progress of said works.

SEC. 23. *Be it enacted*, That in the absence of any contract with the said company, in relation to lands through which the said road may pass, signed by the owner thereof, or by his agent, or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy

Title presumed

the same as long as the same be used only for the purposes of the road, and no longer, unless the person or persons owning the said land, at the time that part of the road which may be on said land was finished, or those claiming under him, her, or them, shall apply for an assessment for the value of the said lands, as hereinbefore directed, within five years next after that part of said road was finished. And in case the said owner or owners, or those claiming under him, her, or them, shall not apply for such assessment within five years next after the said part was finished, he, she or they, shall be forever barred from recovering the said land, or having any assessment or compensation therefor; *Provided*, that nothing herein contained shall affect the right of *femes covert*, or infants, until two years after the removal of their respective disabilities.

**Public high-ways.** SEC. 27. *Be it enacted*, That the said company shall have the right, when necessary, to construct the said road, or any branch thereof, across or along any public road or water-course; *Provided*, that the said road, and the navigation of such water-course, shall not be thereby obstructed; *And provided further*, that such railroad shall not be located so near any turnpike road, as to injure or prejudice the interests of the stockholders in such turnpike road, except on such terms as may be agreed upon by the president and directors of the same, on behalf of the stockholders.

SEC. 28. *Be it enacted*, That the said company may purchase, have and hold, any bridge, or turnpike road, over which it may be necessary to carry the said railroad; and when such purchase is made, to hold the said bridge or turnpike road on the same terms, and with all rights which belong to the individual, individuals, or corporation, from which such purchase may be made; *Provided*, that the said company shall not obstruct any public road, without constructing another as convenient as may be.

**Intrusion.** SEC. 29. *Be it enacted*, That if any person shall intrude upon the said railroad, or any part thereof, or any branch thereof, by any manner of use thereof, or the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she, or they, shall forthwith forfeit to the said company all the vehicles that may be so intruded on said road, and the same may be recovered by suit at law; and the person or persons so intruding may also be indicted for misdemeanor, and, upon conviction, fined and imprisoned by any court of competent jurisdiction.

**SEC. 30.** *Be it enacted,* That if any person shall wilfully or maliciously destroy, or in any manner hurt, damage or obstruct, or shall wilfully and maliciously cause, or aid, or assist, or counsel and advise, any other person or persons, to destroy, or in any manner to hurt, damage, injure or obstruct, the said railroad, or any branch thereof, or any bridge, or vehicle used for, or in the transportation thereon, such person or persons so offending shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine of not exceeding five hundred dollars, nor less than twenty dollars, at the discretion of the court before which said conviction shall take place, and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading, or giving in evidence, that he was owner, or agent or servant of the owner of the land where such destruction, hurt, damage, injury, or obstruction, was done or caused, at the time the same was caused or done. Injury and obstruction.

**SEC. 31.** *Be it enacted,* That every obstruction to the safe and free passage of vehicles on the said road, shall be deemed a public nuisance, and may be abated as such by any officer, agent, or servant of the company; and the person or persons causing such obstruction, may be indicted and punished for erecting a public nuisance.

**SEC. 32.** *Be it enacted,* That the said company shall have the right to take, at the store houses they may establish or annex to their railroad, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storages, as they, by rules, may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation; *Provided,* the said company shall not charge or receive storage on goods, wares, merchandise, or produce, which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately. Storage.

**SEC. 33.** *Be it enacted,* That whenever, in the construction of said road, it shall be necessary to cross, or intersect, any established road or way, it shall be the duty of the company to construct such road across such established road, or way, so as not to impede the passage or transportation of persons or property along the Cross roads.

same; or, where it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individual a proper wagon way, or ways, across said road from one part of his land to the other.

May construct  
branch roads.

SEC. 34. *Be it enacted*, That the said company may construct branches of their road, no one of which shall exceed twenty-five miles in length; *Provided*, that said branches shall not conflict with any chartered rights existing at the time of their construction; and, *Provided*, that they shall be attended with no exclusive privileges except the exclusive right of transportation of goods, wares, merchandise, produce, and persons thereon, subject to the rates hereinbefore mentioned; and, *Provided also*, that nothing in this act shall prevent the State, through which any part of said main road or branches may pass, from establishing rights of way across such main road or branches.

Profits.

SEC. 35. *Be it enacted*, That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold; but no dividends shall be paid to a defaulting stockholder, until all arrearages, by him due, are paid.

SEC. 36. *Be it enacted*, That the said company is hereby expressly prohibited from carrying on any banking operations, but may effect insurance on lives and property transported on the road.

Officers and  
agents.

SEC. 37. *Be it enacted*, That the president and directors of said company, or a majority of them, may appoint all such officers, agents, engineers, and servants whatsoever, as they may deem necessary for the transaction of the business of the company; and may remove any of them at their pleasure; that they, or a majority of them, shall have power to fix and determine, by contract, the compensation of all engineers, officers, agents, servants and others in the employment of the said company; and to regulate, by their by-laws, the manner of adjusting and settling all accounts in favor of or against the company.

SEC. 38. *Be it enacted*, That the said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work; *Provided*, that the same shall not be contrary to the laws of the United States or of this State.

SEC. 39. *Be it enacted*, That the capital stock of said



company shall be forever exempt from taxation; and <sup>Taxation.</sup> the road and its fixtures, depots, workshops, warehouses and vehicles of transportation, belonging to the said company, shall be exempt for twenty years from taxation, from the completion of the road; and it shall not be lawful for any corporate or municipal police to impose any tax on such property or estate.

Sec. 40. *Be it enacted*, That this charter shall be amendable from time to time, by the legislature, whenever the president and directors shall unanimously petition for amendments, specifying in the petition the nature of such amendments; and when such amendments shall be adopted by the legislature and submitted to the directory, and be accepted and adopted unanimously by the president and directors, they shall be obligatory on the stockholders, and not otherwise. <sup>Charter amendable.</sup>

Sec. 41. *Be it enacted*, That the president, directors, clerks, agents, officers and servants of said company shall be exempt from military duty except in cases of invasion or insurrection, and shall also be exempt from serving on juries, and working on public roads. <sup>Exemptions.</sup>

Sec. 42. *Be it enacted*, That the said company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of said road, and for keeping the same in repair.

Sec. 43. *Be it enacted*, That if, by decree, or otherwise, the said corporation shall be dissolved, the president and directors of said company are created trustees, with such powers only as may be necessary to collect the debts due the company, preserve the property, pay the debts, distribute the property and effects of the company to those who may be entitled thereto, under the charter. <sup>Dissolution.</sup>

Sec. 44. *Be it enacted*, That the railroad authorized by this act, shall be commenced within five years after the passage of this act, and shall be finished within fifteen years thereafter, otherwise the charter hereby granted shall be void.

Sec. 45. *Be it enacted*, That any individual or individuals, company or body corporate, with permission of the legislature of this State, may hereafter construct branches to unite with said Nashville and Knoxville Railroad; and it shall be the duty of the said company, when required, to receive on their road the full loaded freight cars from such branches, and transport the same to their destination, (and to return them.) without changing the loads thereof, or charging for the transportation of the goods, wares, merchandise, and produce therein, any <sup>Branch roads.</sup>

greater rate of freight than they charge for similar goods, wares, merchandise, and produce in their own cars; *Provided*, that the company shall not be compelled to receive said cars on their road unless they are constructed in the same manner, and are of equal strength with their own cars, of which the engineer of the main road shall be the judge; and, *provided*, that the company shall not be required to receive any car from such branches without receiving payment for at least twenty miles transportation; and, *provided*, also, that the said company shall be entitled, in all respects, to similar and equal privileges, on such branches constructed to unite with their road, subject to the same restraints.

**Cities & towns may subscribe.** SEC. 46. *Be it enacted*, That the city of Nashville shall have power to subscribe for stock in said road, by the mayor thereof; *Provided*, he shall be so instructed by a vote of the qualified voters of said city, taken upon the question at an election opened and held for that purpose, at a day fixed by the mayor and aldermen; and notice given by the mayor, of twenty days, as required in other elections. The same power and authority, (under the same restrictions,) is hereby given to the city of Knoxville, and to other incorporated towns, through or near which said road may be located.

**Counties may subscribe.** SEC. 47. *Be it enacted*, That the counties through and near which said road may pass, may take stock therein, and levy a property and poll tax, for the purpose of raising the amount so subscribed; *Provided*, that before the county court shall take any stock or levy any tax, they shall appoint a day for a general election, to be held at all the precincts of said county, at which time and place the qualified voters of said county shall vote; those voting for the subscription and tax, shall mark upon their tickets "subscription," and those voting against it shall have marked on their tickets "no subscription;" and if a majority of those voting shall cast their vote in favor of the subscription, the county court, shall proceed to take stock in said road, and levy the tax aforesaid; *Provided further*, that the amount subscribed shall not exceed the amount of the county revenue levied for county purposes, for the three preceding years; and *Provided further*, that the levies made to pay the same shall not exceed the amount of the county levy for the year in which said tax is levied.

SEC. 48. *Be it enacted*, That any person or persons who may become subscribers for stock in said road, may be permitted to discharge the whole or any part thereof, in work and labor on said road, in building the same,

upon such terms, and in such way, as may be agreed upon by such subscriber or subscribers and the president and directors of said company; *Provided*, that such stockholder will construct any particular portion of said road on as good terms as any other person; in which case a stockholder shall have a preference over any other person in a contract; *Provided further*, that neither the president, directors, nor employees of said road, shall be concerned in any contract or contracts upon said road, either directly or indirectly; and a violation of this provision shall be a disqualification to holding office in or under said company.

SEC. 49. *Be it enacted*, That the said company shall have the power to construct a double railroad or way, whenever a majority of the stockholders may deem the same necessary for facilitating the transaction of business on said road.

WM. H. WISENER.

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, December 22, 1853.

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## CHAPTER CCCXIX.

AN ACT to incorporate the Ringgold and Cleveland Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of constructing, keeping up, and using a Railroad communication, commencing on the line between the State of Tennessee, in the county of Hamilton, and the State of Georgia, so as to intersect with the Coosa and Chattooga river Railroad Company, in the State of Georgia, and such other company or road in the State of Alabama as may be found to the interest of all the companies concerned; running thence so as to connect with the East Tennessee and Georgia Railroad at Cleveland or such other point on said road as the company may select, or so as to connect with the Chattanooga, Blue Spring and Cleveland Railroad, at such point as the companies may select, leaving it entirely optionary with the company to connect with either of the said railroads.

The subscribers for the capital stock hereinafter mentioned, and their assigns, shall be a body politic and corporate, by the name and style of the "Ringgold and Cleveland Railroad Company," and by said corporate name shall be capable in law to purchase, receive by gift, hold and convey, real and personal estate, make contracts, sue and be sued, to make such by laws, and do all other acts and things properly incident to a corporation, and necessary and proper for the construction of the works and transaction of the business for which said company is incorporated, and to have and use a common seal, and the same to alter and destroy at pleasure.

**Commissioners** Sec. 2. For the raising of the capital of fifty thousand dollars for the constructing of said road to be divided into shares of one hundred dollars each, Books of subscription shall be opened at Cleveland, and such other places, and at such times, and for such length of time as may be thought proper by the following Commissioners, to wit: Thomas H. Callaway, Dr. John G. Brown, Charles H. Mills, Joseph Tucker, James M. Johnston, and H. J. Harris, of Bradley County, Tenn., and Samuel T. Igow, Nehemiah Everett, and James Burk of Hamilton county, Tennessee. The said commissioners, or a majority of them in each of the said counties shall receive subscriptions for stock in said railroad company as above provided for, until in their judgment a sufficient amount of stock has been taken. They may then close the books, and on each share so subscribed at the time of subscribing there shall be paid to the commissioners the sum of five dollars in a note, to be paid off in money without interest, whenever called for by the commissioners, without which the subscription shall be void, and in case any of said commissioners shall refuse or fail to act, any three or more of them may appoint others sufficient to make up the original number. Said commissioners shall have full power to fill any vacancy that may at any time by resignation or otherwise, happen in said board.

**Subscriptions.** Sec. 3. After books shall have been opened thirty days as herein before provided for, the commissioners shall not only receive from individuals but also from companies and corporations subscriptions for any number of shares of stock, not exceeding an amount which in their judgment is sufficient to complete said road, but no subscription shall be received and allowed unless there shall be paid to the commissioners at the time of subscribing, the sum of five dollars on each

share subscribed, as herein before provided for in the case of individuals, or in such way as the commissioners may require, for which the commissioners shall give to the subscribers, whether individuals, companies, or corporations, a certificate setting forth the number of shares taken by each subscriber, and the amount per share paid thereon.

Sec. 4. That in order to the organization of said company, so soon as the amount of fifty thousand dollars or more has been subscribed, the commissioners or any three or more of them shall give public notice thereof in one or more of the public newspapers having the most general circulation in the bounds where the stockholders live, for three weeks, for a meeting of the stockholders to be held at some convenient time and place, at which the stockholders shall attend in person or by proxy, duly constituted in writing, sealed and attested, and shall proceed to the election by ballot of seven directors of said road, and in the election of directors and in all other matters of said company in which the votes of stockholders have to be taken, each stockholder shall have a number of votes equal to the number of shares of which he is the proprietor at the time of voting. At the election of the first board of directors, the commissioners or any three or more of them shall proceed to conduct the election, and shall make a record of the proceedings of said election under their hands and seals, and shall deliver or cause to be delivered to each of the directors chosen a certificate of his election. Election of directors.

Sec. 5. The board of directors shall choose one of their own number as President of the board, whose term of office shall be one year, and the election of directors shall be held annually according to such by-laws as may be made for that purpose, and in case of a vacancy occurring, the board between the stated period of election, the directors or a majority of them shall elect from among the stockholders a person to fill such vacancy, and in case it shall so happen that the day of the annual election of directors shall pass without an election being made, it shall and may be lawful on any other day to make such election in such manner as may be provided for in the by-laws of the corporation. President.  
  
Vacancy.

Sec. 6. The said railroad company shall have power and capacity to purchase, have and hold, in fee simple, or for years to themselves and their successors, lands, tenements or hereditaments, that they may find necessary for the site on which to locate, run and es- Right of way.

tablish said railroad, and also to purchase and to hold any lands contiguous or in the vicinity of said railroad, that they may find necessary; for procuring all proper materials for constructing, repairing, or guarding and sustaining said railroad, and also all lands contiguous thereto that may be found necessary for the erection of toll houses, and store houses and other buildings, for accommodation that may be found necessary or useful to said railroad, or the business thereof; and on all rights of way on land, and all necessary privileges of water courses, that may be on or across the route of said road; and the said company shall so construct the said railroad across public roads or highways, that may be on the route of said railroad, *provided*, that the said company shall so construct said railroad across all public roads as not to obstruct the same.

#### Damages.

Sac. 7. In all cases where lands or rights of way may be required by said company for the purposes aforesaid, and the same cannot by want of agreement between the parties, agree as to price or for any other cause be purchased by the company from the owner thereof, the same may be taken at the valuation to be made by three commissioners or a majority of them to be appointed by the judge of the Circuit Court of the county where the land or right of way may be situated, *provided*, that if the judge for the time being shall be a stockholder, then the arbitrators shall be, one selected by the corporation, one by the party at issue, and a third by the County Court; and the said commissioners before they act, shall take on oath before some justice of the peace or other judicial magistrate, faithfully and impartially to discharge the duties assigned. In making said valuation, said commissioners or a majority of them, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land being taken, and also the benefit or advantage that such owner or owners may receive from the establishment of said railroad, and the excess of loss or damage over and above the benefit, shall form the measure of damage. The proceedings of said commissioners accompanied with a plat and description of said land, shall be returned under the hands and seals of said commissioners to the court whence the commission issued, there to remain of record, and the lands or right of way shall vest in said company in fee simple upon the payment or tender of the amount of valuation, and in case the railroad company, or the owners of the soil or right of way shall be dissatisfied, an appeal may be taken to

the Circuit Court of the county where the land lies, or the right of way exists, and the award of damages over and above the advantages or profits may be traversed before a special jury, and that finding shall be final and conclusive between the parties.

SEC. 8. The said company shall have the sole and exclusive right of transportation and conveyance of persons, produce and merchandise, and all other things over and along said railroad, to be by them constructed, so long as they shall see fit to exercise such sole and exclusive right; and the said company in the exercise of the right of carriage and transportation shall be regarded as common carriers, and liable as such; and said company shall be authorized to fix by-laws and charges and rules of transportation and carriage, on said railroad, *provided*, said rates shall not exceed the sum of three fourths of a cent. per mile for every hundred pounds on heavy articles, and five cents per cubic foot for every twenty-five miles on other articles, and five cents per mile for every passenger. And said railroad shall be authorized to make all by-laws and regulations touching said road, and the use and business thereof, which may be deemed expedient; *provided*, the same be not repugnant to this charter, nor the laws and Constitution of this State, nor of the United States. Rates.

SEC. 9. This company shall have the whole, sole, and exclusive right to make, keep up and use a railroad along the route herein before designated, for and during the term of ninety-nine years, to be computed from the time when said railroad shall be completed, but after the expiration of the said ninety-nine years all the exclusive right above granted, shall then cease, yet the said company shall continue incorporated and be entitled to keep up said railroad according to the provisions of this charter and for the purpose herein named.

SEC. 10. In case fifty thousand dollars of the stock of said company shall not be taken within two years after the passage of this act, and the work be commenced within one year thereafter, then the privileges and rights granted are to be forfeited and lost to said company.

SEC. 11. The power of making the by-laws, and appointing such officers, agents and servants, as the business of the company, and of entering into contracts in its behalf, and controlling its officers, shall be exercised by the President and directors of said company. Officers.

SEC. 12. After the company chartered by this act shall be organized, the President and directors shall be Calls on stock:

authorized from time to time, to call on all the stockholders for the payment of such installments on the shares subscribed as may be deemed necessary and expedient for the prosecution and completion of said road, and the works thereunto connected, until the whole stock subscribed for be paid in; and the board of directors shall give sixty days notice in some one or more papers having the most populous circulation among the stockholders, by publication once a month, of the installments so required to be paid in, and the time and place of payment. And a failure on the part of any stockholder to pay or secure to be paid, according to the rules of the company, any of the installments so called as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon, and the same shall vest in and belong to said company, but may be restored to the owner or owners, by the board of directors, if they deem proper on the payment of all arrears on such shares, and legal interest thereon, or the directors may waive the forfeiture after thirty default, and sue the stockholders for the installments due at their discretion.

**Transfer.**

SEC. 13. It shall be the duty of the President and directors, as soon as may be convenient after the organization of the company, to issue to each subscriber, scrip or certificate of the stock held by him, and of the amount paid thereon, and the shares of the stock held by any person shall be assignable and transferable in law, and the board of directors shall and may by by-laws, regulate the mode of issuing certificates and making transfers of stock.

**Injury and obstruction.**

SEC. 14. If any person or persons shall wilfully and maliciously destroy, or in any manner hurt, damage, injure or obstruct, or shall council, aid, assist, or advise any person or persons, in any manner, to hurt, damage, injure or obstruct, said railroad, or any of the appurtenances, or appendages thereunto belonging, or appertaining, such person or persons so offending, shall be liable to be indicted for a misdemeanor, and on conviction shall be imprisoned at hard labor in the Penitentiary, at the discretion of the court, for a term not less than five years, and shall further be liable to pay all expenses of repairing or rebuilding the same.

**Stock in work or material.**

SEC. 15. Nothing in this charter, and by this act shall be so construed as to prevent any stockholder from contracting and paying for his stock, except the first five dollars on each share, in railroad iron, materials for equipment or labor on said railroad, for the re-



mainder of his shares, after the stock has been received, on such terms and at such prices as may be agreed upon by the stockholder or holders and President and directors of said company.

SEC. 16. The commissioners receiving subscription and money or notes for stock shall appoint a Treasurer, who shall give bond and sufficient security for the forthcoming of all sums placed in his hands by said commissioners; and in the event that the said company shall fail in constructing said railroad, all sums so received shall be returned to the stockholders, except what may necessarily have been spent.

SEC. 17. This company may not only remain an independent and separate company from all others if it chooses, but also may and has full power and liberty to unite with any other railroad, or railroads, and to amalgamate with any other company or companies in this or any other State, so as to make but one railroad and one single company under one President and board of directors.

Power of amalgamation.

SEC. 18. *Be it enacted*, That the several acts defining the powers, privileges &c., of the Knoxville and Kentucky railroad company, be so amended as that said company may at their option terminate their road at the Eastern base of the Cumberland range of mountains, or continue their road to the Kentucky State line, *provided*, that in the event the said Knoxville and Kentucky railroad company should conclude to terminate their road as herein authorized at the base of said range of mountains, then any company authorized by the laws of Kentucky to construct a road from any point within that State in the direction of Knoxville, Tennessee, may have the privilege of extending their road from the Kentucky State line to the point where the Knoxville and Kentucky railroad may terminate, and for the construction of a railway between the Kentucky State line and that point, said company shall have all the powers, privileges, benefits &c., and be subject to all the restrictions conferred and imposed by the laws of Tennessee upon the Knoxville and Kentucky railroad company.

Knoxville and Kentucky Railroad.

SEC. 19. *Be it enacted*, That the 18th section of this act be and is hereby declared null and void, and of no effect.

SEC. 20. *Be it enacted*, That the Nashville and Chattanooga railroad company, the East Tennessee and Georgia railroad company, and the Memphis and Charleston railroad company, shall each be authorized

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E. T. & G. R.  
R., and M. &  
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subs:ribe.

to subscribe for stock in the Chattanooga, Harrison, Georgetown and Charleston railroad company, *provided*, the stockholders of the company proposing to make a subscription, agree thereto.

**Roan's Creek Turnpike.** SEC. 21. *Be it further enacted*, That Jordan Jones shall be, and he is hereby, created a sole corporate by the name and style of the Roan's Creek turnpike, and by that name may sue and be sued, plead and be impleaded, and as such is authorized to open, establish and keep in repair the above named road, commencing at the Shown Cross Road, thence running down Roan's creek, the best and most practicable route, so as to intersect Ansel Carden's turnpike at Dugger Ford on Watauga.

SEC. 22. *Be it enacted*, That said Jones shall have two years from the passage of this act to commence said road, and ten years thereafter to complete the same—to be built in all respects, where practicable, equal to a first class road according to the laws of Tennessee.

SEC. 23. *Be it enacted*, That the said Jordan Jones shall be governed in all respects by the same rules, regulations, liabilities, restrictions and exemptions, have the same advantages, and charge the same rates of toll as is allowed to William C. Story, as prescribed in the 3d, 4th, 5th, 6th, 7th and 8th sections of an act passed 1846, chapter 81, incorporating William C. Story, so far as is not inconsistent with the foregoing provisions of this act.

**Stone Mountain and Watauga Turnpike.** SEC. 24. *Be it further enacted*, That C. W. Nelson, Daniel S. Stover, J. P. Tipton, T. J. Powell, Green T. Megee and Ansel Carden, of the county of Carter, are hereby created a body corporate and politic, and as such are authorized to open and establish and keep in repair a turnpike road, to be known by the name of the Stone Mountain and Watauga turnpike road, commencing at the North Carolina line on the top of the Stone Mountain, thence running by way of Taylorsville on the most practicable route, so as to intersect Ansel Carden's turnpike road at Peggy Dugger's, on the North side of the Watauga river.

**Style of road.** SEC. 25. *Be it enacted*, That the said C. W. Nelson, Daniel S. Stover, J. P. Tipton, T. J. Powell, Green T. Megee and Ansel Carden, shall open and make said road equal to a first class road, according to the laws of Tennessee, at all places where the ground over which said road passes will admit of it to be done, and shall

erect bridges and cross-ways where necessary and practicable.

SEC. 26. *Be it enacted*, That the county courts of Carter and Johnson counties are hereby authorized and empowered to appoint each three freeholders, citizens of their respective counties, to act as commissioners of said turnpike road, who are hereby vested with the same powers and authority of the commissioners appointed by an act to charter the Newport turnpike road granted to William C. Story, passed January 20th, 1846, chapter 81. Commissioners

SEC. 27. *Be it enacted*, That said company shall be governed by the same rules and restrictions, and have the same privileges and be subject to the same liabilities as are prescribed in the 4th, 5th, 6th, 7th and 8th sections of the act of 1846, chapter 81, incorporating William C. Story, not inconsistent with the foregoing provisions of this act.

SEC. 28. *Be it enacted*, That the said company shall have ten years to complete their road, and when completed they shall be entitled to two gates on said road.

SEC. 29. *Be it enacted*, That John C. Cage, George W. Wood, William Lillard, S. B. Wright, John R. Davis, G. W. Robb, P. K. Williamson, Robert Gwin, and Price Curd, be, and they are hereby appointed commissioners—a majority of whom shall designate and mark out a turnpike road from a point in Wilson county, on Cumberland river opposite the mouth of Bull's Branch, so as to intersect the Lebanon and Nashville turnpike road at such point as they may deem most practicable and suitable. Lagardo Turnpike Road.

SEC. 30. *Be it further enacted*, That said commissioners shall open books at Lagardo and such other places as they may deem advisable, to receive subscription for shares in said road stock whenever they choose, the shares of which shall be twenty-five dollars, and the capital stock not exceeding twenty thousand dollars.

SEC. 31. *Be it enacted*, That when two thousand dollars shall be subscribed, the stockholders may appoint a president and directors; and they are hereby constituted a body politic, with the right to sue and be sued, to plead and be impleaded, by the name and style of the Lagardo Turnpike Company; and the president and directors may commence said turnpike road, as soon as they are organized, as hereinafter provided, and may put up one gate at such a point as they may choose.

SEC. 32. *Be it enacted*, That said company shall make said road on the same plan of the Lebanon and

Coles' Ferry turnpike road, and be governed by the same rules, regulations, restrictions and liabilities.

W. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed February 24, 1854.

## CHAPTER CCCXX.

AN ACT to re-establish the county of Putnam.

SECTION 1. *Whereas*, An act of the General Assembly, passed on the 1st February, 1842, entitled "an act to establish the county of Putnam, to perpetuate the name of General Israel Putnam of the Revolutionary War," chapter 179, and under the operations of said act and other acts subsequent thereto, the county was completely organized by the election of all the proper officers, both civil and military, and by the holding of circuit and county courts at the time established by law. This state of things continued until the spring of 1844; and a bill in equity and for an injunction was then filed in the chancery court of Overton county against Wm. H. Carr, clerk of the circuit court, and Joseph A. Ray, clerk of the county court, and other officers in Putnam county, enjoining them from further acting in their official capacity; and no answer or demurrer or plea being put in, the bill was taken for confessed and the said injunction was rendered perpetual, and the said county was declared by the court of chancery not to have been legally and constitutionally established, and the functions of all the officers have ceased since that period. *And whereas*, the supreme court of this State have decided in the case of Ford vs. Farmer, et al, 8th Humphreys, page 152, that after the organization of a county is complete, and the original commissioners have executed their duty, that it is not the province or within the jurisdiction of the courts of justice to enjoin the civil officers of a county from proceeding in their official duties; and, therefore, the decree of the court of chancery rendered in the case above specified was and is not binding, except as to the parties on re.

cord; and it is represented to this Legislature, by petition and otherwise, that the constitution has not been violated by the establishment of the county of Putnam, and the citizens residing within the limits of said county are desirous that the county may be re-established. Therefore, *Be it enacted by the General Assembly of the State of Tennessee*, That the said county of Putnam is hereby re-established, with all the powers and privileges of other counties in the State of Tennessee, and with all the butts, bounds and lines that governed the limits of said county at the time said bill of injunction was filed against the officers of said county, except such as shall or may hereinafter be provided for in this act.

SEC. 2. *Be it enacted*, That the bounds of said county of Putnam shall be as originally run by Mounce Gore, principal surveyor, and his deputies, with such alterations as may be necessary to preserve the constitutionality of said county, or better promote the interest of her citizens; *provided*, that in no case the change of any of the original lines shall affect the constitutional right of the old counties; and the beginning corner shall be on the south bank of Cumberland river where the line dividing Smith and Jackson counties crosses said river, running up said river with its various meanders to the mouth of Indian creek; thence in a south-east direction with Mounce Gore's last line, upon the extreme height of the dividing ridge, to a point from which an east line crosses Martin's creek, near the mouth of Shaw's branch; thence in an eastern direction with said Gore's line as last run, crossing the road leading from Sparta to Gainesboro', between the twelve and thirteen mile post at about twelve and a half miles from Gainesboro'; thence with the said Gore's line through Jackson county to the west boundary line of Overton county, to the original corner of Putnam county on said line; thence with said Gore's last line through Overton county, bearing twelve miles south of Livingston to George McCormack's old stand in Fentress county, on the road leading from Brady's turnpike gate to Jamestown; thence with the original line of Putnam county in the direction of the Morgan county line, as far as two miles, if necessary to preserve the constitutional limits in territory to the said county of Putnam; thence in a southeastern direction, so as to strike the Morgan county line north of Johnson's stand on Walton's road, at or near the same distance that it may be necessary to run east of George McCormack's; thence

with said Morgan county line south to said Johnson's stand on Walton's road; thence south two degrees, west five miles to the southeast corner of said county, marked P. C.; thence west five miles with said original line to the declivity of the Cumberland mountain; thence with John Welsh's last line through White county, leaving the town of Sparta at the distance of twelve miles, to the mouth of Hutchins' creek; thence down the Falling Water with its various meanders to the east boundary line of DeKalb county, where said line crosses said Falling Water near the falls; thence in a southern direction crossing said river and with said DeKalb county line one and a half miles; thence in a north-western direction, crossing said Falling Water between the mouth of Cane creek and Riley Medly's old place on said river, and crossing Mine Lick creek twelve miles from the town of Smithville in DeKalb county; and thence in a western direction bearing twelve miles north of Smithville to the Jackson county line; thence west with the north boundary line of DeKalb county to the Caney Fork river; thence down said river with its various meanders to the mouth of Rock Spring creek in Smith county; and thence in a northern direction to a point in the line dividing Smith and Jackson counties south of Walton's road and opposite the upper end of Major James McDaniel's farm; thence north, crossing Walton's road with said Jackson county line to the beginning.

Courts, where  
held.

SEC. 3. *Be it enacted*, That for the due administration of justice in said county of Putnam, the several different courts to be holden in said county shall be held at the house of Lewis Huddleston, or some other house on his premises, in the county of Putnam as originally established, until the seat of justice for said county shall be located, and a suitable house erected for that purpose; the county court in the intermediate time shall have full power to adjourn to such other place as they may deem proper in said county, better suited for the holding of the same for the public convenience, and to adjourn to the seat of justice whenever, in their judgment, the necessary arrangements are made, and all writs and process returnable to either of the places shall and may be returned to the place where said courts may have been removed by the county court aforesaid; and the said county of Putnam shall be under the same rules and restrictions, and shall have the same power and jurisdiction as are possessed by other

courts of the same character and denomination in the other counties in this State.

SEC. 4. *Be it enacted*, That all officers, civil or military, in said county of Putnam, shall continue to hold their offices and exercise all of the powers and functions thereof, until others are elected and qualified under the constitution and laws made in pursuance thereof; and it shall be the duty of the justices of the peace within the limits of Putnam county, as above described, including the fraction of Smith and DeKalb counties, at the first term of the county court, a majority of said justices being present, to proceed to appoint a suitable person to open and hold elections in each civil district in the county of Putnam and the fractions of the counties of Smith and DeKalb, as above described, for the purpose of electing county officers, according to the constitution and laws of the State; and said officers so appointed by said county court shall have and exercise all the authority and power of the sheriffs of other counties in this State, in holding said elections and appointing deputies and administering oaths, and in all things pertaining to holding said elections and making returns, he governed by the laws that govern such elections in this State. Election of officers.

SEC. 5. *Be it enacted*, That said election shall be held on the first Saturday in June, 1854, and all future elections at the same time of other elections in this State, as established by law; and it shall be the duty of said county court to appoint a clerk, whose duty it shall be to prepare the necessary and usual bonds required by law, and to qualify the officers so elected under this act; and the officers so elected and qualified shall have the same powers and jurisdiction, subject to the same restrictions, and have the same fees and emoluments as the officers of other counties have by law; and the said county of Putnam shall be placed on an equal footing, possess equal powers and privileges, in all respects, as other counties in this State; *provided*, that nothing in this act shall prevent the counties of Jackson, White, Overton, Fentress, DeKalb and Smith from exercising jurisdiction over the territory composing said county of Putnam, as they now do, until the election of county officers, and said officers shall have been qualified and given bonds according to law in said county; *provided, also*, that nothing in this act shall be so construed as to prevent the counties aforesaid from entering up judgment, or the sheriffs of said counties from selling under such judgment, any lands within said county of Putnam. Elections—when.

for taxes for any preceding year, or to prevent the sheriffs thereof from collecting the taxes due for any preceding year.

SEC. 6. *Be it enacted*, That the citizens of the county of Putnam, in all elections for governor, members of congress, for president and vice president, and members of the general assembly, shall vote with the counties from which they have been stricken off, until the next apportionment under the constitution.

SEC. 7. *Be it enacted*, That the county of Putnam shall be attached to the 4th judicial circuit, and the circuit courts shall be held by the judge of said circuit on the second Monday of April, August and December, in each and every year. The first court in said county shall be held on the second Monday in December next, and the citizens of said county may file bills in chancery in either of the chancery courts held at Sparta, Livingston or Gainesborc', at their option, and all appeals in nature of writs of error shall be taken to the supreme court at Nashville; and the first county court shall be held on the second Monday in April, 1854, and afterwards as the county court of the other counties of this State; and when a suitable building is prepared at the established seat of justice, it shall be the duty of the county court to inform the judge of the 4th judicial circuit, and it shall be his duty to adjourn the court over to the same.

SEC. 8. *Be it further enacted*, That the said county of Putnam shall constitute one regiment, and shall be attached to the brigade to which they now belong, and the field officers of said county shall meet at the house of the said Lewis Huddleston on the first Saturday in June, and proceed to divide the militia of said county into two regiments and designate the bounds of each regiment and the place of holding each regimental muster; the senior officer in command shall preside and proceed to organize both regiments as soon as practicable.

SEC. 9. *Be it enacted*, That John West, Amos Maxwell, John Lee, Burton Marchbanks, and John Bohannon, and Riley Medlin, are hereby appointed commissioners to superintend the resurvey of said county of Putnam agreeable to the provisions of this act, any three of whom may act, and shall employ Madison F. Conner, of White county to survey said county, a plat of which shall be returned to said commissioners designating the center of said county, which survey shall be made as near as possible in conformity to the boun-



aries of said county as described in the second section of this act, having due regard to the legal rights of Putnam county, and the constitutional rights of the old counties, and it shall be the duty of said commissioners to furnish said surveyor with all the information in their power to the faithful and speedy discharge of his duty, and deposite said plat in the County Court Clerk's office at as early a day as possible.

SEC. 10. And *whereas*, a small fraction of the north-east corner of DeKalb county, adjoining the county of Putnam, and a small fraction of the eastern boundary of the county of Smith, has by the citizens of said fractional parts of DeKalb and Smith county, prayed this Legislature by petition to be attached to said county of Putnam; therefore

Line between  
Putnam and  
DeKalb.

*Be it enacted*, That so much of the county of DeKalb, as lies north of the south boundary line, of the county of Putnam as described in the second section of this act, be and the same is hereby attached to the county of Putnam, to wit: beginning at the north-east corner of said DeKalb county, and running south with the east boundary line of said county, crossing the Falling Water near the falls, and with said line one mile and a half to a corner on the White county line, thence in a north western direction, crossing the Falling Water between the mouth of Cane Creek and Riley Medlin's old place, and crossing Mine Lick Creek, bearing twelve miles from Smithville to the north boundary line of DeKalb county, and said last described line shall be regarded as the line dividing the county of DeKalb and Putnam counties, and the said county of Putnam shall have and exercise jurisdiction over the fraction north of said line, and which shall hereafter be and constitute a part of the county of Putnam, any law or usage to the contrary notwithstanding. And *be it further enacted*, that so much of the fractional part of the county of Smith as lies east of the Caney Fork river, and a line running from the mouth of Rock Spring Creek in a northern direction to the eastern boundary line of said county of Smith as described in the second section of this act, establishing the boundary line of the county of Putnam, is hereby established as a part and parcel of the said county according to the prayer of the petitioners, and said Caney Fork river and line as above described, shall be the boundary line between the counties of Smith and Putnam counties; and all the citizens east of said river and line shall be subject to the authority, and under the jurisdiction of the county of Putnam, any

Line between  
Putnam and  
Smith.

former law or usage to the contrary notwithstanding; and it shall be the duty of the surveyor that surveys the county of Putnam, to include said territory in the county of Putnam as described by the second section of this act.

Civil Districts. SEC. 11. *Be it enacted*, That as soon as the survey of Putnam county is completed, and the center of the county found and shown to the commissioners by the said surveyor, and a plat of the same furnished them by the said surveyor, they shall deposite the same in the Clerk's office of the County Court, and it shall be the duty of said County Court to appoint at least nine commissioners to lay off said county, into not less than nine nor more than twelve civil districts of as near an average number of voters as practicable, and to suit the convenience of the citizens, and designate the place of holding the elections in each district describing the boundary, and the number of each civil district; the center district being (No. 1.) And it shall be the duty of said County Court to appoint three of said commissioners from the fractional part of Jackson county, and two from the fraction of Overton, and two from the fraction of White, and one from the fraction of DeKalb, and one from the fraction of Smith, and one from the fraction of Fentress county, and if any of said commissioners fail or refuse to act, the vacancy may be filled by the appointment of another commissioner in said fraction by any three of the board, and any five shall constitute a quorum, and do the business and report to the next County Court.

Location of seat of Justice. SEC. 12. *Be it enacted*, That Joshua R. Stone, and Doctor Green H. Baker, of White county; Austin Morgan, and Maj. John Brown, of Jackson; and William Davis, and Isaiah Warthon, of Overton county; and William B. Stokes, and Bird S. Rhea, of DeKalb county; and Benjamin A. Vaden, and Nathan Ward, of the county of Smith, be and the same are hereby appointed commissioners to locate the seat of Justice for the county of Putnam, any five of whom shall have the power to act as a body; seven members shall constitute a quorum, and one from each county may act and adjourn from day to day, or fill any vacancy that may occur by the refusal of any of said commissioners to act, or from any other cause by appointing a disinterested man from the same county, such vacancy or refusal to act may occur; and it shall be the duty of the commissioners first appointed by this act, to superintend the surveying of said county on the receipt of the plat, and

the center of said county, being shown to them by said surveyor, to appoint a day giving said commissioners ten days notice at least to meet at the said center of the county of Putnam, and proceed to examine the different sites or places in the vicinity of the said central point of said county of Putnam, which may be deemed suitable for the county seat of said county, and after full examination it shall be the duty of said commissioners to select the nearest suitable site to said central point for the location of said town or county seat, taking properly into consideration the necessary quantity of water as well as the situation of the ground, and then and there place a stake at or near the spot where said court-house, for said county shall be erected, which spot so selected shall not exceed two miles and a half from the center of said county; and it shall be the duty of said commissioners or a majority of those who may act, to report to the next County Court of said county, specifying the place where they have selected as the site of said county of Putnam, and which shall be thereby established.

SEC. 13. *Be it enacted*, That so soon as the said commissioners shall report, it shall be the duty of said county Court to appoint five commissioners, who shall proceed to lay off a town at the place designated, to be named Cookeville, in honor of Maj. Richard F. Cooke, of Jackson county, with as many streets and of such width as they may deem proper, or necessary, reserving at least two acres and a half for a public square; a lot for a public jail, and for a male and female Academy, and for the erection of a church for public worship.

SEC. 14. *Be it enacted*, That said commissioners, of said town shall first proceed to purchase or procure by donation, at least twenty acres of land, including the town to be laid off on the best terms they can, and report the same to the county Court, which title shall be made to the chairman of said Court and his successors in office for the use and benefit of said county of Putnam.

SEC. 15. *Be it enacted*, That the said commissioners of said town shall, after said purchase and the laying off of said town is completed and a plan of said town laid down, proceed to sell the lots in said town on a credit of at least twelve months, first giving due notice thereof in some newspaper printed in this State, and shall take bond with sufficient security for the purchase money, payable to themselves and their successors in office, and shall make titles in fee simple to the respect-

ive purchasers of said lots; and the proceeds of the sale of said lots shall be a fund in the hands of said commissioners for defraying the expenses incurred in purchasing the land on which the town is erected, and for erecting the public buildings.

Court-house  
and Jail.

SEC. 16. *Be it enacted*, That said commissioners shall superintend the building of a court house and jail, and let out the building of the same and upon such terms and of such dimensions as the county court of said county shall direct or order, and shall take bond and good security from the undertaker, payable to themselves and their successors in office, for double the sum for which said building may be undertaken, conditioned for the faithful performance of the contract.

Oath.

SEC. 17. *Be it enacted*, That the said commissioners, before they enter upon the duties of their offices, shall take and subscribe the following oath, before the county court of said county, that they will well and truly perform the duties assigned to them by this act to the best of their ability, and shall moreover execute bond and security in the same of ten thousand dollars to the chairman of the county court, conditioned for the true and faithful performance of their duties, as enjoined upon them by this act, which bond shall be filed in the clerk's office of said county; and the said commissioners shall keep a fair and regular statement of all the monies received and expended, which statement, when required, shall, from time to time, be laid before the county court, and when all of the public buildings are completed, pay over what may remain, if any, to the county trustee of said county; and it shall be the duty of the county court to make a reasonable allowance to all the commissioners and surveyor, appointed under the provisions of this act, to be paid out of the treasury of said county.

Academy.

SEC. 18. *Be it enacted*, That an academy is hereby established at Cookeville in said county, with all of the rights and emoluments of other counties in this State, and the county court shall appoint trustees, as in other counties, and shall name said academy.

Surveyor.

SEC. 19. *Be it enacted*, That if Madison F. Connor, the surveyor appointed by this act to survey said county of Putnam, shall refuse, or from any other cause fail to discharge the duties enjoined on him by this act, then the commissioners appointed by this act to superintend the surveying of said county, or any two of them, may, and it shall be their duty, to employ the county surveyor of Smith county to survey said county

of Putnam, under all the provisions and restrictions provided for in the ninth section of this act; and it shall be the duty of the county court to provide for the payment of the same out of the county treasury.

SEC. 20. *Be it enacted*, That it shall be the duty of the Clerk of the County Court of Putnam county, within three months after the said Clerk shall be elected and qualified, to call on the clerks of the Courts or other officers, who may have or hold the possessions of the original records of the county of Putnam, either in the county of Jackson, White, or Overton county; and it shall be the duty of said clerk or other person to deliver all marriage license and bonds of license, and the county Register Books, properly belonging to the county of Putnam, to the said clerk of Putnam county, whose duty it shall be to file said papers in his office, as future evidence of said transfers of land and marriages in said county, during the former two years existence of said county of Putnam, and all said transfers and sale of lands and marriages shall be as valid and legal as if said county had never been abolished.

Original records.

SEC. 21. *Be it further enacted*, That the line between the counties of Smith and DeKalb, be and the same is so changed as to run as follows: beginning on the DeKalb county line on the extreme height of the ridge, above J. Robinson's, and with the meanders of said ridge, north of Long Branch, crossing said branch above Hopewell meeting house, to the DeKalb county line near Thomas J. Findley's, so as to include the present residence of T. W. Fitts, William Jones, James Jones, and Thomas J. Findley, and make them citizens of the county of DeKalb.

County Line of Smith and DeKalb.

SEC. 22. *Be it enacted*, That the justices of the peace and constables that shall or may be elected at the next March election, which shall or may reside within the limits or bounds of said county of Putnam, as described in the second section of this act, shall continue to hold said offices until the next regular election, according to the constitution of this State, and nothing in this act shall be construed to the contrary notwithstanding; *provided nevertheless*, that when said county of Putnam is organized and the civil districts laid off, that said justices of the peace and constables shall be required to give such bonds to the county court of Putnam county as other officers of the same grade are required to do in this State; and the original bonds they may have given in the old counties, shall cease to be longer in force against said officers; and each civil district shall

Justices of the Peace and Constables.

at the first election fill all vacancies for said officers so that each district shall have two justices of the peace, and one constable, according to the constitution.

**Railroad tax.** SEC. 23. *Be it enacted*, That nothing contained in this act shall exempt the portion of Overton and White, included therein from paying their proportional part of the tax voted by said counties to the South Western Railroad.

**Rock Island.** SEC. 24. *Be it further enacted*, That the possessions of John B. Rodgers, known as his Rock Island place, be and they are hereby attached to the county of Van Buren.

**Line between Anderson and Scott.** SEC. 25. *Be it enacted by the General Assembly of the State of Tennessee*, That the dividing line between the counties of Anderson and Scott be changed as follows: To leave new river at two white walnuts on the north bank of said river, at the mouth of a hollow in William Massingill's field; thence up said hollow to the top of the mountain, which divides the waters of said river from the waters of Smoky Creek, north eighty, west 160 poles; thence along the top of said mountain due west 320 poles, to a white oak, James McGee's west corner; thence south 30, west 600 poles, with the top of the mountain, passing Lowe's Gap; thence south 80, west 500 poles with the top of the mountain to intersect with the old line near the head of the Straight Fork; thence with said line to new river; thence down the same to the beginning.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 11, 1854.

## CHAPTER CCCXXI.

**AN ACT** authorizing the Memphis, Clarksville, and Louisville Railroad Company, and the Nashville and Memphis Railroad Company to consolidate.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Memphis, Clarksville and Louisville Railroad Company, and the Nashville and Memphis Railroad Company, be, and they are hereby authorized to consolidate the two roads, and the stock of the two companies, into one, so as to make one railroad and one company, for the construction of one continuous line of road from Memphis through Clarksville, to the State line of Kentucky; and when said roads shall consolidate, they shall assume the name of the Memphis, Clarksville and Louisville Railroad Company; shall have all the rights, powers and privileges of the charter incorporating the same, and the amendment thereto; and all the rights, powers and privileges conferred upon said companies by the general laws of the State; *Provided,* the board of directors of said companies shall unanimously assent thereto, and shall ratify said terms of consolidation. In the event of a conflict upon any point or points, between the two charters, the said companies shall determine by which they shall be governed in regard to the particular points.

**SEC. 2.** *Be it further enacted,* That said respective board of directors shall, immediately after agreeing upon the terms of consolidation, appoint a time and place <sup>Meeting of joint directors.</sup> for a meeting of the stockholders of the respective companies, to elect a board of fifteen directors, who shall elect a president from one of their number to manage the affairs of such consolidated company, until which election the two boards shall manage the affairs of the two companies under their respective charters. One month's notice shall be given in a newspaper published in Memphis and Clarksville, of the time and place of meeting of the stockholders as before mentioned.

**SEC. 3.** *Be it further enacted,* That to insure efficient action on the part of said company, a majority of the board of directors elected shall reside either in Shelby or Montgomery counties; *Provided,* said road, <sup>Residence of directors.</sup> after having consolidated, shall so locate the route as to include the town of Trenton, in the county of Gibson; and *provided,* such consolidated company may assume the name of Memphis, Clarksville and Ohio Rail-

road Company, and may elect a vice-president, vice-secretary, and vice-treasurer.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, March 8, 1854.

## CHAPTER CCCXXII.

AN ACT to amend the charter of the Tennessee and Alabama Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed January 23, 1852, entitled "an act to charter the Tennessee and Alabama Railroad Company, and for other purposes," be, and the same is hereby so amended as to allow said Railroad Company to run their road to either the Tennessee river, or to the line between the States of Tennessee and Mississippi, or to the line between the States of Tennessee and Alabama, so as to connect with any railroad that may be constructed from New Orleans, Mobile or Memphis; *Provided*, said railroad shall not cross the Tennessee line between the States of Tennessee and Alabama, east of where the military road crosses said line running in the direction of Florence, Alabama.

SEC. 2. *Be it further enacted*, That the charter of the Tennessee and Alabama Railroad company be so amended as to authorize and empower said company to build a branch railroad from the main trunk line of said railroad to the town of Lawrenceburg; and said branch railroad shall be entitled to the aid of the State to the same extent, and under the same rules, regulations and restrictions that said main trunk line is entitled to, the same not exceeding ten miles in length.

SEC. 3. *Be it further enacted*, That the charter of said Tennessee and Alabama Railroad Company, be further so amended as to authorize and empower said company to build other branches to the main stem or line of said railroad, so as not to exceed fifty miles in length, in any one branch; *Provided*, that no State aid shall be extended to said other branches.



**Sec. 4.** *Be it enacted*, That the Nashville and Knoxville Railroad Company be, and is hereby authorized and empowered to receive in payment of stock in said company, lands situated within the State of Tennessee, which lands shall be conveyed to the president of said company and his successors in office, to be held in trust for the use and benefit of said company, and shall be by said president or his successors, mortgaged or conveyed in fee, as a majority of the board of directors shall, from time to time, order and direct.

Nashville and  
Knoxville R'd.  
Company.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

**Passed, March 2, 1854.**

## CHAPTER CCCXXIII.

**AN ACT** to amend an act entitled an act to incorporate the Nashville and Memphis Railroad Company and for other purposes.

**Section 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That the Nashville and Memphis Railroad Company are hereby authorized to increase the capital stock of said company to an amount sufficient to cover the cost of construction and equipment of said road, and they shall have all the rights, powers and privileges, so far as the same are applicable, conferred upon the Memphis, Clarksville and Louisville railroad company, either by their original charter, or by any amendment of the same, which have been or may hereafter be passed, as fully as if herein inserted and fully set forth at length.

**Sec. 2.** *Be it enacted*, That the counties of Shelby and Tipton, having after due notice, voted a subscription to the capital stock of said company, by a majority of the votes cast at the elections held in said counties, for the purpose of ascertaining the will of the qualified voters, said subscriptions are hereby legalized and declared valid, and it is hereby made the duty of the chairman of the county courts of Shelby and Tipton counties, to issue to said company, upon the conditions and restrictions hereafter named, the bonds of the counties of Shelby and Tipton, for the amount subscribed by said

Counties of  
Shelby & Tip-

counties respectively, in such sum or sums, as said company may request, having not more than thirty years to run to maturity, payable in New York, or such other place or places as said company may request, with coupons for interest, payable semi-annually at six per cent per annum; said bonds, so issued, shall be signed by the chairman of the county court, and countersigned by the clerk thereof; the coupons by the clerk only; but nothing herein contained shall be so construed as to make it necessary for Tipton county to issue the bonds of that county to said company, unless the road be located in compliance with the conditions upon which it was voted; and said county court of Tipton, if they shall prefer to do so, shall have the power, and they are hereby authorized to subscribe the amount heretofore voted to be subscribed to the Nashville and Memphis railroad company, to the Great Central North and South railway company, upon the same terms as they are authorized to subscribe to the Nashville and Memphis railroad company; and in that event, it shall be the duty of the chairman of the county court of Tipton, to carry out the directions of the county court.

**County tax,** *Sec. 3. Be it enacted,* That it shall be the duty of the company to issue certificates of stock to the counties subscribing, or that may hereafter subscribe, for the full amount of bonds they may receive from said counties, which certificates of stock shall be deemed and held as a county fund; and it shall be the duty of the county courts, which have heretofore, or may hereafter subscribe for stock in said railroad company, inviolably to protect the faith and credit of the county, by levying a tax upon persons, property and privileges liable to taxation in said counties, sufficient in amount to pay the interest on the bonds issued by said counties, and all incidental expenses, which tax shall be levied at the time the counties levy their county tax for county purposes; and shall be collected in the same manner, and by the same officers, who collect the county revenue; and if there be no funds in the hands of the county trustee, or an insufficient amount to pay the interest on the bonds as they mature, the county trustee, with such other persons as the county court may appoint, may anticipate the collections of the county revenue, by selling county warrants, or by borrowing money on the faith of the county; to pay such interest.

**Tax to pay bonds.** *Sec. 4. Be it enacted,* That in the event (after said railroad is completed) the profits arising from the dividends on said county stock, are not sufficient to pay the

interest on said county bonds, and also raise a surplus to create a sinking fund sufficient to pay off said bonds at maturity, the county courts of said counties which have subscribed stock, shall levy a railroad tax to pay off and discharge said bonds at maturity. If they shall think it best to do so, they may collect taxes sufficient to pay off said county bonds in a period not less than six years; and in that event, the respective amounts paid by each tax payer shall be so much stock in said company, as prescribed by the act passed January 22d, 1853; *Provided*, any of said county courts shall determine to pay the debt of the county before maturity, as herein last provided; and *provided also*, that said county courts may, if they think ———, sell off the county stock, and pay off the county bonds.

SEC. 5. *Be it enacted*, That the counties of Haywood, Gibson and Henry, shall have power to subscribe for stock in behalf of said counties, in said railroad company, and may issue the bonds of said counties respectively, as herein provided for Shelby and Tipton counties; *Provided*, a majority of the votes cast in any election which may be held for the purpose of ascertaining the will of the people, shall be in favor of subscribing for said railroad stock.

Counties of  
Haywood, Gib-  
son & Henry.

SEC. 6. *Be it enacted*, That the county bonds of the counties of Shelby, Tipton, Haywood and Gibson, shall not be issued until an estimate of the grading and cost of the road from Memphis to some point of connection with the Mobile and Ohio railroad shall have been made to the county court, under oath, by an engineer of said road; and the president of the company shall make an affidavit, and file with the clerks of each of said counties, that he believes there are bona fide and solvent private subscriptions, and other means, sufficient, with the bonds to be issued by said counties respectively, to complete the grading of said road from Memphis to a point of intersection with the Mobile and Ohio railroad company; and, in like manner, it shall not be lawful for the chairman of the county court of Henry, together with the clerk of said county, to issue the bonds of said county, until an estimate of the cost of grading said road from the point of intersection with the Mobile and Ohio railroad, to Paris or the Tennessee river, shall have been made under oath, by an engineer of said road, and until the president of said company shall likewise file a statement on oath, that he believes that there is a bona fide, solvent individual subscription, with other means of said company, together with the county

When bonds  
may issue.

subscription of Henry, sufficient to continue and complete the grading of said road from the point where it crosses the Mobile and Ohio railroad to Paris, or the Tennessee river; *And it is further provided*, that the proceeds of the county bonds which may be issued to said company, shall first be applied to grading the road within the limits of the county subscribing the same; then if there be a surplus of such subscription, it may be applied to any other part of the road nearest to said county.

**Sec. 7.** *Be it further enacted*, That it shall be the duty of said county courts, which may have voted a county subscription, to issue the bonds of said counties, in such amounts as shall constitute an annual instalment equivalent to the whole amount, which may be called in any one year from individual stockholders; the object being not to compel the counties to pay in the amount of stock subscribed by any of said counties, during any one year, a greater proportionate amount than will be probably called for from individual subscribers in proportion to the amounts subscribed by each respectively; and for the purpose of ascertaining this fact, it shall be the duty of the president and directors of said company, when they apply for the issuance of county bonds, to notify the county courts, what amount, or what percentage on individual subscriptions they will probably call for, from individual subscribers, during the year next ensuing.

**Sec. 8.** *Be it enacted*, That it shall not be lawful for any of the counties herein named, to vote a subscription of stock to this or any other railroad company, greater in amount than the one-fifteenth part of the taxable wealth of said county, to be ascertained by the report of the Comptroller of the State; and all subscriptions exceeding the one-fifteenth part of the taxable wealth, to be ascertained as aforesaid, shall be null and void.

**Sec. 9.** *Be it enacted*, That the counties of Henry, Weakley and Obion, may be allowed to take stock in the Nashville and North-Western Railroad, or any other road they may choose, under the provisions and restrictions of this act; and in like manner the counties of Tipton, Dyer, Stewart and Obion, and the other counties mentioned in this act, shall have power to subscribe stock and issue bonds to the Great Central North and South Railroad Company, or any other company, under the provisions and restrictions herein contained.

**Sec. 10.** *Be it enacted*, That in the event the Nashville and Memphis Railroad Company shall change the

name of said company, or shall consolidate with any other company, said change of name, or consolidation, provided it is agreed to by the president and directors of said company, shall not operate to release said counties from any liabilities for stock subscribed to the Nashville and Memphis Railroad Company; but all subscriptions made to said company shall be as obligatory and binding as though said company had not changed its name, or consolidated with any other company.

SEC. 11. *Be it enacted*, That upon application of the ~~president~~ of said company, at any time, it shall be the <sup>Chairman to</sup> duty of the chairman of the county court of any of the <sup>give notice.</sup> several counties herein named, to give reasonable notice to the magistrates of the county, to appear at the courthouse, on a certain day to be named, who, when convened, shall carry into effect any of the requirements of this act, which shall be in all respects, valid; *Provided*, a majority of the justices be present and assent thereto.

SEC. 12. *Be it enacted*, That the circuit judges, or the judge of any court of record of the respective counties herein named, shall have power, upon application of <sup>Judges to is-</sup> the bond-holders, or any of them, or of any interested <sup>sue mandamus</sup> person, to issue writs of mandamus, to compel the county courts, or any person or persons charged with any duties, to perform the duties imposed by this act; and in like manner any county court shall have power to compel the railroad company in which the county has subscribed stock, in good faith, to carry out the requirements herein contained.

SEC. 13. *Be it further enacted*, That the counties of Claiborne, Anderson, Campbell, Grainger and Jefferson, <sup>Counties of</sup> shall have all the rights and privileges conferred by this <sup>Claiborne, An-</sup> act to certain counties, and to subscribe stock in any rail- <sup>derson, Camp-</sup> road that may run through either of said counties. <sup>bell, Grainger</sup> <sup>and Jefferson.</sup>

SEC. 14. *Be it further enacted*, That the charter of the Tennessee and Charleston Railroad Company, passed <sup>Tennessee and</sup> February 26, 1852, be, and the same is hereby amended, <sup>Charleston RR</sup> by adding James McKaimy, William B. Reynolds, Jas. Gamble, William M. Biggs, Abraham Lillard, M. W. Wetmore, Ezekiel Dunn and Harvey Alexander, to the list of commissioners; and also Anson Carden.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, February 28, 1854.

## CHAPTER CCCXXIV.

AN ACT to amend an act to charter the Lexington and Knoxville Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the above recited act be amended, that the name of the company thereby chartered be changed to that of the Knoxville and Kentucky Railroad Company, and that any two or more of the commissioners named in said act, may open books to receive subscriptions to the capital stock of said company, at such time and place as they may choose; and as soon as one hundred thousand dollars of said capital stock shall have been subscribed, the subscribers shall become a body politic and corporate, by the name and style of the Knoxville and Kentucky Railroad Company; and by that name may sue and be sued, contract and be contracted with; and may exercise all the powers and privileges necessary for the construction and use of a railroad from the city of Knoxville to the Kentucky line, in the direction of Cincinnati, Ohio, or Louisville, or Lexington, Kentucky, so as to form a continuous railroad connection between said cities.

Power to transfer and amalgamate.

Sec. 2. *Be it enacted*, That said company is hereby empowered to negotiate with any other railroad company chartered by the State of Kentucky, which may desire to extend their road over any portion of the route herein designated, and to transfer to said last mentioned company all the powers, rights and privileges herein conferred on them, either in whole or in part; and thereupon, such company shall have the same powers, rights, privileges and immunities in making and using said road, on the route aforesaid, as are conferred by its charter upon the Lexington and Knoxville company, or the Knoxville and Kentucky railroad company.

Capital stock.

Sec. 3. *Be it enacted*, That the capital stock of the said Knoxville and Kentucky railroad company, shall be five hundred thousand dollars, which may be increased if necessary to fifteen hundred thousand dollars; and that so soon as one hundred thousand dollars of said capital stock shall have been subscribed, as provided in the first section of this act, the subscribers may proceed to organize the company as provided for in its charter.

Sec. 4. *Be it enacted*, That all that part of the act which this is intended to amend, which is inconsistent

with the provisions of this act, be, and the same is hereby repealed.

SEC. 5. *Be it enacted*, That an act passed November 8th, 1853, to charter the Cincinnati, Cumberland Gap and Charleston railroad company, be, and the same is hereby so amended that the following named persons be by this act appointed and constituted, in connection with those heretofore appointed by the charter this is intended to amend, a body politic and corporate, and a board of commissioners with all the powers and privileges provided in this act, and the act this is intended to amend: In the county of Jefferson, Wm. Fain, J. W. L. Moore, Russell Birdwell, John W. Harral, Charles Harrison, Sr., Edward Snoddy, James Hail, Wm. Courtney, Esq., Drury Morris and Robert H. Hynds. In the county of Cocke, Wm. Roadman, Wm. Roberson, Jas. Mark, Wm. Curton, and Col. Stansbury. In the county of Greene, Loyd Bullen, Esq., Wm. C. Malony, Dr. Jas. Broyles, Wm. Lowery, John Shields, Christian Bible, Leland Davis, James Rankin, Allen Baker, James Britton, Wm. Neilson, John Maloy, Jacob Whittenberry, Jacob Bible, Jacob M. Bewly. In the county of Claiborne, Wm. Kincaid, Isaac Thomas, Wm. Gibson, Joseph White, Willey Huffaker, Samuel Moore, Wm. Lens, Esq., David Rogers, Sr., John Sharp, Green Palmer, Squire Neadham, Col. Joel Fugate. In the county of Grainger, Milton Shields, James T. Carmichael, Jr., A. P. Green, Harmon G. Lea, Elisha Thomason, John Shields, Wm. Harris, Dr. J. P. Legg, Hardin P. Shannon, Col. Lewis M. Ellis, Wm. H. Malone, John H. Hudleston, James H. Dyer, John Noah, and James Shields. In the county of Hancock, John Graham, Wm. Thomas, Taylor Overton, Gen. Montgomery, Wm. S. Rose, Kennedy Hodges, Lewis M. Jarvis, Wm. Gilbert, Esq., Wm. Ryley, Wm. McNeal, Dr. J. W. E. Dickenson, Dr. Sam. Brown, Joseph Campbell, and Anderson Campbell. And in the county of Hawkins, Jno. Netherland, Lewis Poats, Sterling Cocke, Orville Rice, Hugh Cane, Dr. Farris, A. B. Keele, Wm. Kyle, and Wm. N. Clarkson.

Cinc'ti, Cumb.  
Gap & Charle-  
ston Railroad.

Commissioners

SEC. 6. *Be it enacted*, That any two or more of said board of commissioners shall be, and they are hereby authorized to open books for the subscription of stock for said road, at any time and place they may deem best or proper, and shall be required to report the same to any regular meeting of said board; and said Cincinnati, Cumberland Gap and Charleston Railroad Company, shall be, and they are hereby vested with all the

rights, powers and privileges, and subject to all the restrictions and liabilities of the East Tennessee and Virginia railroad company, except otherwise provided in this act, and the act this is intended to amend.

**SEC. 7.** *Be it enacted*, That the 10th section of an act passed February 28, 1852, entitled "an act to incorporate the Nashville, Franklin and Columbia Railroad Company," be, and the same is hereby so amended that the words "and Spring Hill," where they occur in the 14th line of said section, be stricken out.

**WM H. WISENER,**

*Speaker of the House of Representatives.*

**EDWIN POLK,**

*Speaker of the Senate*

Passed, December 22, 1853.

## CHAPTER CXCXXV.

**AN ACT** to charter the South Carolina, Tennessee and Kentucky Railroad, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That William S. McEwen, Geo. L. Gillespie, John Y. Smith, Thomas N. Clarke, George W. Yost, Robert R. Byrd, Henry I. Welcker, Henry W. Von Alderhoff, Thomas A. Brown, Henry Liggett, Isaac T. Lenoir, Sterling T. Turner and William Staples and their associates who shall be stockholders in a railroad company, and their successors, under the name and style of the "South Carolina, Tennessee and Kentucky Railroad Company," are hereby declared to be a body corporate and politic, under the laws of Tennessee, with succession for ninety and nine years, and a common seal; with capacity to sue and be sued; receive and enjoy to them and their successors, property and estate of whatever nature and quantity, and the same to alien, transfer and dispose of, so far as may be necessary to carry into effect the main object of this charter, which is hereby declared to be the construction, use and maintenance of a railroad from Citico, or any other point they may select, on the Blue Ridge Railroad or any other road that now is, or may hereafter be chartered, having connection with said Blue Ridge Railroad; then passing by or near South-West Point, at the confluence



the Tennessee and Clinch rivers, cross the Cumberland mountains at the Emery Gap and its tributaries; thence down the northern declivity of said mountains, to the southern boundary line of Kentucky, in the direction of Somerset, Danville, or some other point affording connexion with the railroads of Kentucky.

SEC. 2. *Be it further enacted*, That said company shall have power to unite with any other company or companies that are now, or may be chartered by either the Legislature of South Carolina, Kentucky or any other State, that have for their object the connection of the States of South Carolina, Tennessee and Kentucky, by a railroad, and to consolidate said railroads and the stock of said companies, in such manner and upon such terms as said South Carolina, Tennessee and Kentucky Railroad Company may deem best.

May consolidate.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each; and said company shall have power to increase the capital stock to two millions of dollars, or to any amount sufficient to complete and equip said road; and that said company be, and they are hereby authorized to borrow on the credit of said company, a sum of money not exceeding one and a half million of dollars, and may issue the bonds of the company for the amount borrowed, payable at such times and bearing such rate of interest as said company may determine; and shall have full power to secure the payment of said bonds by mortgage or lien on the road and effects of said company.

Capital stock.

SEC. 4. *Be it further enacted*, That the aforesaid Wm. J. McEwen, George L. Gillespie, John Y. Smith, Thos. N. Clark, George W. Yost, Robert R. Byrd, Henry I. Welcker, H. W. Von Alderhoff, Thomas A. Brown, Henry Liggett, Isaac T. Lenoir, Sterling T. Turner and William Staples, be, and they are hereby constituted a board of commissioners, a majority of whom may act, who shall have the power, either by themselves, or by the appointment of agents for that purpose, to open books for the subscription of stock at such times and places as they may think proper, and to manage all the affairs of said company, and till it shall be organized by the election of a board of directors; to provide for experimental surveys of routes for said road, or any part thereof, and for the payment of the same; and to make such calls from the stockholders on the stock subscribed for by them, from time to time, as they may deem advisable;

Commissioners

*Provided*, they shall not be required to exact any part of the stock subscribed for at the time the same is subscribed for and taken; and, *provided, also*, that the directors of said road, after their election, shall have all the powers conferred on them that are conferred in this section on the above named commissioners.

When may or-  
ganize.

SEC. 5. *Be it enacted*, That all the meetings of the stockholders of said company where a vote is to be taken, each stockholder shall be entitled to a vote in person or by proxy, and for every share of stock owned by stockholder, he shall be entitled to one vote, and in the election of directors, and in all other elections which may come before the stockholders, the vote shall be taken according to the provisions of the charter of the East Tennessee and Virginia railroad company. *Provided*, whenever fifty thousand dollars of said stock is subscribed, said company may organize and elect a board of directors, who may elect a president from their number as prescribed in the East Tennessee and Virginia railroad charter, who, when elected, shall be president of the board of directors, and of the company, and no person shall be president or director of said company unless he is the owner of at least five shares of the capital stock of said company.

SEC. 6. *Be it further enacted*, That said company shall have the right, when necessary, to construct said road across or along any public road or water course; *Provided*, said company shall not obstruct such public road or water course; and should said company run said road upon the line of any turnpike road, it shall and may be lawful for said company to make such contract or arrangement as may be deemed best by the parties.

SEC. 7. *Be it further enacted*, That whenever said company shall have completed said road they shall have all the rights and privileges conferred by this charter for the period of ninety and nine years.

SEC. 8. *Be it further enacted*, That said company shall be, and they are hereby vested with all the rights and powers and privileges, and subject to all the restrictions and liabilities of the Nashville and North-Western Railroad Company, except otherwise provided in this charter.

SEC. 9. *Be it further enacted*, That said company shall have ten years allowed them in which to complete said road.

SEC. 10. *Be it further enacted*, That the subscribers to stock as herein prescribed, are hereby created a body

politic and corporate, by the name and style of the Somerville, Danville, Brownsville and Trenton Railroad Company, with all the privileges, rights, powers and immunities, and subject to all the restrictions, liabilities, pains and penalties of an act passed December 11, 1845, incorporating the Nashville and Chattanooga Railroad Company, except as hereinafter provided.

SEC. 11. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, divided into shares of twenty-five dollars each, and may be increased to an amount sufficient to construct said road. Somerville, Danville, Brownsville and Trenton Railroad.  
Capital stock.

SEC. 12. *Be it enacted*, That Jos. R. Mosby, T. C. Greenway, Dr. Turnley, F. C. Rayland, Felix McFarlane, H. L. Douglas, John Haywood, Thomas Short, J. R. Watkins, Oliver Alexander, G. B. Shepard, Washington Currie, J. L. Winfield, John Langster, jr., Wm. B. Grove, E. J. Read, M. R. Hill, R. P. Raines and John A. Tallaferro, are hereby appointed commissioners to cause books to be opened by themselves or whomsoever they, or a majority of them, may select, at such time and place as they may think proper, for subscriptions for stock in said company, and whenever the sum of two hundred thousand dollars is subscribed, the commissioners, or the persons appointed by them to receive stock, shall call a meeting of the subscribers at some suitable place, at which meeting a company may be organized by the election of a board of directors, who shall elect one of their number president. Commissioners

SEC. 13. *Be it enacted*, That said commissioners, or the persons appointed by them to receive stock, shall demand of each subscriber fifty cents on each share, at the time of subscription, and the money so received shall be deposited in some bank to the credit of the Somerville, Danville, Brownsville and Trenton Railroad Company, subject to the order of the president of a board of commissioners, consisting of John Haywood, Felix McFarlane, Thomas Short, J. R. Watkins, Oliver Alexander and G. B. Shepard. Board of commissioners.

SEC. 14. *Be it enacted*, That the board of directors may call for the payment of twenty-four and one half dollars on each share of stock subscribed, in sums not exceeding two dollars in every sixty days; *Provided*, that twenty days' notice of such call be given in at least one newspaper published in either of the counties through which said road may pass. Calls on stock.

SEC. 15. *Be it enacted*, That said company shall have power to commence their road at or near Somerville,

and to terminate at or near Brownsville, at or near Trenton, or at any point on the Mobile and Ohio Railroad above Trenton. .

SEC. 16. *Be it enacted*, That the thirteenth section of the act to incorporate the Nashville and Chattanooga railroad company shall not apply to the Sommerville, Danville, Brownsville and Trenton road.

SEC. 17. *Be it enacted*, That B. T. Staples and W. L. Schooler, of the county of Morgan, and W. M. Sisson, Abner Phillips, John W. Simpson and H. T. Brith, of the county of Fentress, and Riley Long and John Sandusky of the county of Scott, be and they are hereby appointed commissioners in addition to the commissioners now appointed on said railroad.

SEC. 18. *Be it further enacted*, That all persons who shall become stockholders pursuant to the provisions of this act, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Memphis and Covington Turnpike and Plank Road Company; and by that name and style may sue and be sued, plead and be impleaded; and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law; and shall have succession for ninety-nine years.

SEC. 19. *Be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, with the privilege of increasing the same to three hundred thousand dollars, or more, should it be deemed necessary to the completion of the road; said capital stock to be divided into shares of twenty-five dollars each.

SEC. 20. *Be it enacted*, That the following persons shall be commissioners to open books and receive subscriptions of stock, to-wit: S. S. Rembert and D. Dunn, of Shelby county, and William Conard, R. H. Munford, and D. R. Whitley, of Tipton county. The aforesaid commissioners, or a majority of them, shall meet in the town of Portersville, in the county of Tipton, on the second Monday in April, 1854, or at such other time or times thereafter as they may select, for the purpose of opening books to receive subscriptions of stock to said company. Said commissioners may receive subscriptions in money, materials or labor, to be valued at cash valuation by disinterested persons appointed by the parties concerned; and such valuation shall be deemed as so much stock in said company. Such portion of the road as may not be taken in labor and materials, may be let out for construction to the lowest bidder at pub-

lie or private lettings, by the directors elected by the stockholders or other authorized agent or agents.

SEC. 21. *Be it enacted*, That when fifty thousand dollars shall be subscribed, a meeting of the stockholders may be held at such time and place as such commissioners may appoint, of which due notice shall be given to the subscribers; and when convened, may proceed to elect five directors who shall be stockholders, and three of whom shall constitute a quorum to do business; to pass by-laws and organize the company; to view out and mark said road upon the best and most practicable route, having due regard to the interest of the stockholders, and making Covington a point in said road; and said road may terminate at Memphis, or form a connection with some turnpike or plank road leading to Memphis.

Organization.

SEC. 22. *Be it enacted*, That when said company is organized by the election of a president, treasurer and secretary, or such other officers or agents as said company may appoint or elect, said company may commence the construction of said road; and so soon as five miles of said road shall be completed, the said president and directors shall have the power to erect one toll gate; and for every additional five miles completed by said company, they may erect an additional gate; at each of which they are authorized to charge and receive the same rates of toll allowed to be charged by the Memphis and Sommerville plank road company; and it shall not be lawful to construct any other road to run parallel to, or so near the said plank road as materially to injure the same.

SEC. 23. *Be it enacted*, That said road shall be graded of sufficient width, and with good ditches on either side to convey off the water and drain the same; and shall, in all respects, be completed in such manner as good plank roads are usually constructed in the section of country where this is proposed to be built.

SEC. 24. *Be it further enacted*, That the company hereby incorporated, shall have and enjoy all the rights, powers and privileges, and be subject to all the liabilities and restrictions as prescribed and set forth in the 4th, 8th, 9th, 10th, 12th, 13th and 14th sections of an act entitled "an act to incorporate the Western Central turnpike company, and for other purposes," passed December 21, 1849, so far as the same are applicable to this act.

General powers and privileges.

SEC. 25. *Be it enacted*, That said company shall have power and authority to buy any number of slaves they

may deem necessary to construct said road, and to keep the same in repair, and to sell the same when the interest of the company may demand.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, February 13, 1854.

## CHAPTER CCCXXVI.

AN ACT to amend the charter of the Edgefield and Kentucky Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the capital stock of the Edgefield and Kentucky Railroad Company shall be, and is hereby increased to the sum of twelve hundred thousand dollars.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed, November 8, 1853.

## CHAPTER CCCXXVII.

AN ACT to amend the charter of the Atlantic, Tennessee and Ohio Railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Atlantic, Tennessee and Ohio Railroad Company, so soon as they may have thirty miles of their road graduated, and ready for the railing, they shall be entitled to, and receive the same aid from the State, that other railroads are entitled to under the provisions of the act of the 11th February, 1852, establishing a system of internal

improvements in this State, and shall be subject to the same restrictions and liabilities.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Passed March 1, 1854.

## CHAPTER CCCXXVIII.

AN ACT to continue the organization of the LaGrange and Memphis Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the organization of the LaGrange and Memphis Railroad Company, as dissolved by the 20th section of an act passed the 4th day of February, 1848, entitled an act to incorporate the McMinnville and Chattanooga turnpike company, be, and the same is hereby continued for the sole purpose of winding up and completion of the unsettled business of the private stockholders of the LaGrange and Memphis railroad company.

WM H. WISENER,  
*Speaker of the House of Representatives,*

EDWIN POLK,  
*Speaker of the Senate.*

Passed February 9, 1854.

## CHAPTER CCCXXIX.

AN ACT supplemental to an act, entitled "an act to charter the Nashville and Knoxville Railroad Company, passed December 22, 1853.

*Be it enacted by the General Assembly of the State of Tennessee,* That after the route of said railroad shall have been accurately surveyed and adopted, and a plat thereof deposited in the office of the Secretary of State, it shall not be lawful for any other railroad to be built,

cut or constructed in any way or manner or by any authority whatsoever, running laterally within twenty miles of the route so adopted, unless by said company, or with the consent of the board of directors thereof, for the time being.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed March 2, 1854.

## CHAPTER CCCXXX.

AN ACT to defray the expenses of the General Assembly of the State of Tennessee, with the report of the Committee on Finance annexed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant to each member of the Senate and House of Representatives, for the sum stated to be due to each in the annexed report of the Committee on Finance.

SEC. 2. *Be it enacted*, That the Comptroller issue to the officers of the Senate and House of Representatives, warrants for the following sums due them for services rendered, viz :

To E. G. Eastman, nine hundred and thirty dollars, for one hundred and fifty-five days services as principal clerk of the Senate.

To D. D. Holeman, nine hundred and thirty dollars, for one hundred and fifty-five days services as engrossing clerk of the Senate.

To Lelland Davis, six hundred and twenty dollars, for one hundred and fifty-five days services as door-keeper of the Senate.

To William Rockwood, two hundred and seventy dollars, for ninety days services as messenger of the Senate.

To John H. Turner, for one hundred and eighty dollars, for sixty days services as messenger of the Senate.

To Richard B. Cheatham, nine hundred and thirty dollars for one hundred and fifty-five days services as principal clerk of the House of Representatives.



To Henry Hoss, nine hundred and thirty dollars, for one hundred and fifty-five days services as first assistant clerk of the House of Representatives.

To Ake Henry, nine hundred and thirty dollars, for one hundred and fifty-five days services as engrossing clerk of the House of Representatives.

To John Phillips, for three hundred and sixty dollars, for ninety days services as principal door-keeper of the House of Representatives.

To William H. Fewel, six hundred and twenty dollars, for one hundred and fifty-five days services as assistant door-keeper of the House of Representatives.

To William Rockwood, two hundred and sixty dollars, for sixty-five days services as door-keeper of the House of Representatives during the absence of the door-keeper regularly elected.

To John H. Leuky, thirty-six dollars, for six days services as principal clerk in organizing the House of Representatives.

SEC. 3. *Be it further enacted*, That the Treasurer of the State of Tennessee, be, and he is hereby authorized to pay to S. W. Cochran and William Caldwell, commissioners of this State to the Legislature of the State of Kentucky, the *per diem* pay of members of the Legislature, and mileage for the time they were engaged in the discharge of their duties as said commissioners.

SEC. 4. *Be it enacted*, That the Comptroller of the Treasury issue his warrant to E. Polk, Speaker of the Senate, for two hundred and seventy-five dollars for the services of the boy Thompson for attending on the Senate.

SEC. 5. *Be it enacted*, That the Treasurer pay to H. L. Claiborne one hundred dollars for services rendered as clerk to the committee on banks when investigating the affairs of the bank of Tennessee.

SEC. 6. *Be it further enacted*, That five thousand dollars be and the same is hereby appropriated to purchase a Library for the State of Tennessee, and that R. J. Meigs is hereby appointed commissioner to superintend the object of this appropriation.

SEC. 7. *Be it enacted*, That the comptroller of the treasury audit the accounts of Bang, Poats & Co., public printers, for all printing authorized by this General Assembly, and pay the same according to the rates specified by law, out of any money in the treasury not otherwise appropriated.

SEC. 8. *Be it enacted*, That the comptroller issue his warrant to A. Dibrell, for two hundred dollars for servi-

ces as common school commissioner for the State, for the last two years.

SEC. 9. *Be it enacted*, That the Comptroller issue his warrant to Wm. H. Wisener, Speaker of the House of Representatives, for three hundred dollars for one hundred and fifty-five days' services of boy George, in attending on the House of Representatives.

SEC. 10. *Be it enacted*, That the principal clerks of the Senate and House of Representatives, shall remain a sufficient time after the adjournment, to file the papers of the two houses properly in the office of the Secretary of State, and close their business, before they shall be allowed to draw their compensation, and that the clerks of the Senate and House of Representatives, shall be allowed, each, thirty cents per page for copying the unfinished journal, and that the Comptroller issue his warrant for the same.

SEC. 11. *Be it enacted*, That the Secretary of State, cause Acts and Journals of the present General Assembly to be distributed, and that in doing so, he make the best contract practicable for the interest of the State, and that the Comptroller issue his warrant, upon the certificate of the Secretary of State, for the sum or sums required for said service.

SEC. 12. *Be it enacted*, That the Comptroller issue his warrant and pay the several publishers of the city newspapers for papers furnished the General Assembly and laid upon the table of each member every day of the session, at the current subscription price of the same; *Provided*, said payment shall be made in accordance with a resolution passed by the present General Assembly regulating the number of papers each member should receive at the expense of the State.

SEC. 13. *Be it enacted*, That the Secretary of State cause one copy of the Acts and Journals of the present General Assembly to be bound for each member of both houses, and the principal clerks in the same, and distributed with the acts and journals mentioned in the 11th section of this act.

SEC. 14. *Be it enacted*, That the Comptroller issue his warrant to John York & Co. for fifteen dollars and thirty cents for seventeen blank books, journals, for the use of the House of Representatives.

SEC. 15. *Be it enacted*, That the Comptroller issue his warrant to James Livingston for five dollars for five door matts for the House of Representatives.

SEC. 16. *Be it enacted*, That the Comptroller issue his warrant to W. Meredith for twelve dollars and twenty-

five cents for two rugs and three matts for the House of Representatives.

SEC. 17. *Be it enacted*, That the Comptroller issue his warrant to McRoberts & McKee for one hundred and thirty-four dollars and eighty-five cents for four hundred and ninety-three bushels of coal and for cartage on the same, for the use of the General Assembly.

SEC. 18. *Be it enacted*, That the Comptroller issue his warrant to W. E. Beatie for one hundred and fifty-four dollars for four hundred and seventy-six bushels of coal and for cartage on the same, for the use of the General Assembly.

SEC. 19. *Be it enacted*, That the Comptroller issue his warrant to McRoberts & McKee, for twenty-seven dollars and ninety cents, for one hundred and two bushels of coal and cartage on the same, for the use of the General Assembly.

SEC. 20. *Be it enacted*, That the Comptroller issue his warrant to Wm. H. Wisener, Speaker of the House of Representatives, for ten dollars, for the use of colored boy Dick, for work done on public buildings.

SEC. 21. *Be it enacted*, That the Comptroller issue his warrant to the principal clerk of the House, for two hundred and twenty-eight dollars for clerk hire.

SEC. 22. *Be it enacted*, That the Comptroller issue his warrant to W. T. Berry & Co., for four hundred and twelve dollars and eighty-five cents, for stationary furnished the House of Representatives.

SEC. 23. *Be it enacted*, That the Comptroller issue his warrant to the principal clerks of the Senate and House of Representatives, for one hundred dollars, for preparing index to House Journal, and one hundred dollars for preparing index to Journal of the Senate of the present session of the Legislature.

SEC. 24. *Be it enacted*, That the Comptroller issue his warrant to Wm. Scott, for thirty-six dollars, for six days service as assistant clerk in the organization of the House of Representatives.

SEC. 25. *Be it enacted*, That the Comptroller issue his warrant to Wm. H. Wisener, Speaker, &c., for fifty dollars, for the use of Harry Hudson for hauling water for the use of the General Assembly during the session.

SEC. 26. *Be it enacted*, That the Comptroller issue his warrant to Wm. H. Wisener, Speaker of the House of Representatives, for fourteen dollars and forty cents for the use of L. Walker.

SEC. 27. *Be it enacted*, That the Comptroller issue his warrant to R. F. Bell, for sixty-two dollars and twenty

cents, for sundries furnished the General Assembly, & per account rendered.

SEC. 28. *Be it enacted*, That the Comptroller issue his warrant to James B. Craighead, for ten dollars and fifty cents, for sundries furnished the General Assembly, per account rendered.

SEC. 29. *Be it enacted*, That the Comptroller issue his warrant to James Erwin, for fourteen dollars and twenty-five cents, for sundries furnished the General Assembly, per account rendered.

SEC. 30. *Be it enacted*, That the Comptroller issue his warrant to Maxey, McClure & Co., for forty-nine dollars and twenty-five cents, for sundries furnished the General Assembly, per account rendered.

SEC. 31. *Be it enacted*, That the Comptroller issue his warrant to W. & J. G. McClelland, for twenty-nine dollars and ten cents, for sundries furnished the General Assembly.

SEC. 32. *Be it enacted*, That the Comptroller issue his warrant to A. Morrison & Co., for thirteen dollars and fifty-three cents, for sundries furnished the General Assembly, per account rendered.

SEC. 33. *Be it further enacted*, That the sum of two hundred and twenty-eight dollars be paid to E. G. Eastman, clerk of the Senate, for paying extra clerk service, and the Comptroller of the treasury shall issue to him his warrant for that amount.

SEC. 34. *Be it enacted*, That the Comptroller issue his warrant to F. Hagan for one hundred and forty-seven dollars and twenty-five cents, for stationery furnished the Senate. That the Comptroller issue his warrant to John York & Co., for the sum of sixty-one dollars, for stationery furnished the Senate; and that the Comptroller also issue his warrant to E. S. Cheatham for the sum of twenty-one dollars and ten cents, for candles furnished the Senate.

SEC. 35. *Be it enacted*, That the commissioners for the construction of the Capitol be authorized and it is hereby made their duty to have arrangements made for furnishing the same with gas, by the meeting of the next General Assembly, and that the necessary expenses and costs for said work be paid out of the appropriation made by the present General Assembly for the completion of the Capitol.

SEC. 36. *Be it enacted*, That the comptroller issue his warrant for the following amounts to the persons named, and the treasurer shall pay the same:

To G. W. Turk, for five days' services as door-keeper.

in organizing the House of Representatives, twenty dollars.

To Joseph Lewis, for five days' services as clerk, in organizing the Senate, thirty dollars.

To James Hickey, for five days' services as door-keeper, in organizing the Senate, twenty dollars.

To H. H. Harrison, for two days' services as clerk, in organizing the Senate, twelve dollars.

**SEC. 37.** *Be it enacted*, That the Register of the land office, at Nashville, shall only be allowed twenty five cents for copying and certifying any grant, the fees for which is to be paid out of the State treasury, and all laws allowing other or greater compensation, are hereby repealed.

**SEC. 38.** *Be it enacted*, That the Librarian of the State shall not permit any person whatever, to take the books and maps out of the library, except the legislative, judicial and executive officers of the State.

**SEC. 39.** *Be it enacted*, That the Comptroller issue his warrant to Wm. A. Hoskins, for twenty-seven dollars and ninety cents, for one hundred and one bushels of coal, and for cartage on the same, furnished the offices of Governor and Secretary of State.

**SEC. 40.** *Be it further enacted*, That it is hereby made the duty of the Secretary of State to take charge of the Senate chamber, the Representative hall and the different committee rooms, and all the furniture belonging thereto, and to preserve the same from abuse and decay in such manner as to him may seem best for the interest of the State; and that the comptroller issue his warrant on the treasury to the Secretary of State, for such an amount as may be necessary for the discharge of the duties imposed by this act.

**SEC. 41.** *Be it enacted*, That the Comptroller issue his warrant to Jo. G. Brown, for fifty-four dollars and fifteen cents for forty gallons lard oil and other articles furnished the General Assembly.

**SEC. 42.** *Be it enacted*, That the Comptroller issue his warrant to R. F. Bell, for ten dollars and twenty-five cents, for one box star candles furnished the House of Representatives.

**SEC. 43.** *Be it further enacted*, That the Secretary of State be, and he is hereby authorized to dispose of and sell the coal, stationery and oil remaining on hand, which have been purchased for the use of this general assembly and remain as a surplus unappropriated, and account for the same to the State, as required by law;

for the performance of which duty he shall be allowed such compensation as may be adjudged reasonable.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 4, 1854.

# REPORT

Of the Committee on Finance, showing mileage and per diem allowance of the members of the Senate and House of Representatives at the regular session of the thirtieth General Assembly, and the aggregate amount of each.

## SENATORS.

Names of Senators.	No. of Days.	Per diem allowance.	Miles traveled.	Amount of Mileage.	Total amount.
Benjamin F. Bell,	155	620	536	85 76	705 76
Abner Benton,	"	"	340	54 40	674 40
Jacob Bewley,	"	"	500	80 00	700 00
John Bowles,	"	"	236	37 76	657 76
Michael Carriger,	"	"	490	74 80	698 40
R. F. Cook,	"	"	150	24 00	644 00
Sam'l W. Davis,	"	"	44	7 04	627 04
Wm. C. Dunlap,	"	"	480	76 80	696 80
James T. Dunlap,	"	"	220	35 20	655 20
R. Farquharson,	"	"	150	24 00	644 00
Jesse G. Frazer,	"	"	100	16 00	636 00
A. P. Hall,	"	"	170	27 20	647 20
John M. Havron,	"	"	228	36 48	656 48
J. J. Jones,	"	"	108	17 28	637 28
Samuel B. Moore,	"	"	110	17 60	637 60
Godfrey Nave,	"	"	640	102 40	722 40
John R. Nelson,	"	"	400	64 00	684 00
G. H. Nixon,	"	"	150	24 00	644 00
Adrien Northcutt,	"	"	180	28 40	648 40
W. O'Neal Perkins,	"	"	41	6 56	626 50
James H. Ragan,	"	"	330	52 80	672 80
John Reid,	"	"			620 00
Hugh Robertson,	"	"	00	9 60	629 60
James A. Rogers,	"	"	350	56 00	676 00
Edwin Polk, <i>Speaker.</i>	"	930	340	54 40	984 40

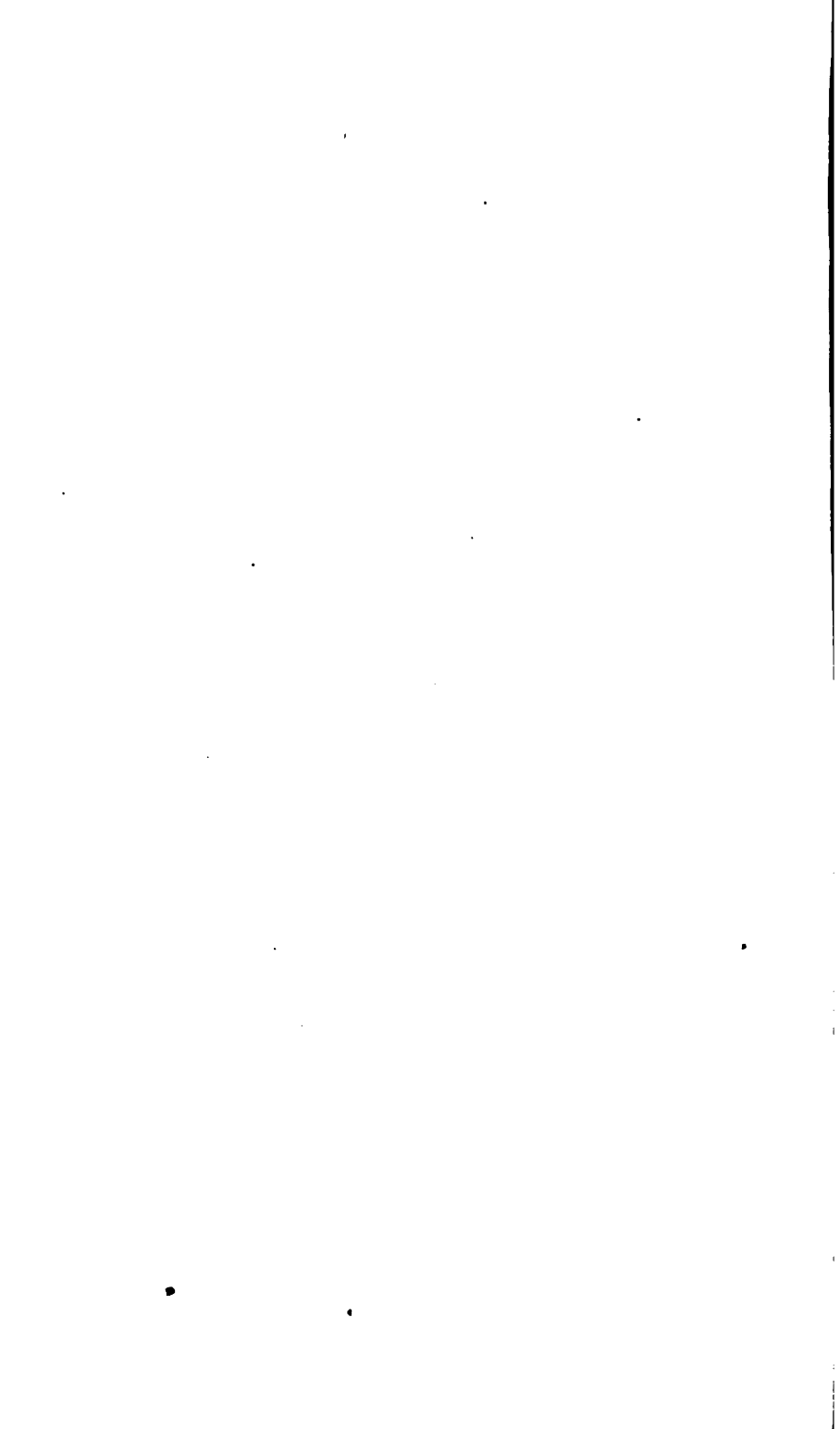
## HOUSE OF REPRESENTATIVES.

Names of Representatives.	No. of Days.	Per diem allowance.	No. of Miles traveled.	Amount of Mileage.	Total amount.
John N. Arnold,	155	620	380	60 80	680 80
James E. Bailey,	"	"	96	15 36	635 36
George Brown,	"	"	342	54 72	674 72
W. F. Brown,	"	"	282	45 12	665 12
C. S. Broyles,	"	"	250	40 00	660 00
Thomas Buford,	"	"	125	20 00	640 00
Loyd Bullen,	"	"	550	88 00	708 00
S. A. Carroll,	"	"	150	24 00	644 00
N. Y. Cavitt,	"	"	250	40 00	660 00
Wm. H. Chamberlain,	"	"	380	60 80	680 80
Wm. P. Chambliss,	"	"	140	22 40	643 40
Edward S. Cheatham,	"	"	56	8 96	628 96
B. G. Chowning,	"	"	200	32 00	652 00
H. M. Clements,	"	"	170	27 20	647 20
W. H. Clemons,	"	"			620 00
J. B. Cook,	"	"	300	48 00	668 00
Henry Cooper,	"	"	126	20 16	640 16
John Cowart,	"	"	300	48 00	668 00
Joseph Cummings,	"	"	180	28 80	648 80
Wm. B. Dortch,	"	"	400	64 00	684 00
Joshua Easterly,	"	"	220	35 20	655 20
Lewis M. Ellis,	"	"	458	73 28	693 28
Wm. E. Erwin,	"	"	88	14 08	634 08
John C. Farrington,	"	"	480	76 80	696 80
John C. Greer,	"	"	300	48 00	668 00
Wm. B. Hall,	"	"	275	44 00	664 00
J. E. T. Harris,	"	"	600	96 00	716 00
H. W. Hart,	"	"	100	16 00	638 00
Alvin Hawkins,	"	"	210	33 60	653 60
Joseph Herd,	"	"	180	28 80	648 80
George V. Hebb,	"	"	148	23 68	643 68
G. C. Holmes,	"	"	480	76 80	696 80
John F. House,	"	"	96	15 36	635 36
Henry H. Hubbard,	"	"	457	73 12	693 12
John W. Hyder,	"	"	636	101 76	721 76
James B. Lamb,	"	"	480	76 80	696 80
Isaac C. Lane,	"	"	490	78 40	698 40
John M. Lillard,	"	"	280	44 80	664 80



## HOUSE OF REPRESENTATIVES.

James of Representatives.	No. of Days.	Per diem allowance.	No. of Miles traveled.	Amount of Mileage.	Total amount.
Lugh R. Lucas,	155	620	140	22 40	642 40
Geo. W. Mabry,	"	"	376	60 16	680 16
Thomas Mabry,	"	"	150	24 00	614 00
J. C. Martin,	"	"	50	8 00	628 00
Wilson Mathis,	"	"	76	12 16	632 16
W. S. Maxwell,	"	"	200	32 00	652 00
George McKnight,	"	"	60	9 60	629 60
W. F. Morris,	"	"	500	80 00	700 00
Jonathan Morris,	"	"	185	29 60	619 60
W. M. Nunn,	"	"	60	9 60	629 60
James J. Odell,	"	"	650	104 00	724 00
Morris Overall,	"	"	116	18 56	638 56
John A. Patten,	"	"	320	51 20	671 20
William Phillips,	"	"	110	17 60	637 60
N. M. Pope,	"	"	220	35 20	655 20
Joshua Richardson,	"	"	280	44 80	664 80
John H. Smith,	"	"			620 00
Wm. M. Smith,	"	"	350	56 00	676 00
A. A. Steel,	"	"	110	17 60	637 60
L. G. Stewert,	"	"	86	13 76	633 76
B. L. Stovall,	"	"	300	48 00	668 00
Wm. J. Sykes,	"	"	84	13 44	633 44
M. S. Temple,	"	"	550	88 00	708 00
L. M. Tharp,	"	"	210	33 60	653 60
R. E. Thompson,	"	"	60	9 60	629 60
W. H. Tibbs,	"	"	300	48 00	668 00
W. E. Travis,	"	"	200	32 00	652 00
Wm. Wallace,	"	"	400	64 00	684 00
R. D. Wheeler,	"	"	400	64 00	684 00
James White,	"	"	532	85 12	705 12
Madersen Williams,	"	"	176	28 16	648 16
George W. Winchester,	"	"	66	10 56	630 56
E. J. Wood,	"	"	100	16 00	636 00
W. C. Wood,	"	"	290	46 40	666 40
R. H. Wood,	"	"	340	54 40	674 40
A. W. Wynns,	"	"	190	30 40	650 40
W. H. Wisener, <i>Speaker.</i>	"	930	126	20 16	950 16



# RESOLUTIONS.

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## NUMBER I.

**A Preamble and Resolution to the Congress of the United States of America.**

**WHEREAS**, in many parts of the United States our rapidly increasing and admirable system of railway improvements is comparatively in its infancy. This system has hitherto been prosecuted by individual energy and enterprise, with individual and State capital and credit, unaided except in a very few instances, and to a limited extent, by the means or credit of the General Government.

The construction of 15,000 miles of railroad, at an aggregate cost of more than \$600,000,000, has absorbed all the surplus capital of the country, besides calling into requisition the use of credits abroad, to a very considerable extent.

The rapid extension throughout the civilized world, of this new and highly important artificial mode of intercommunication, operating with other causes, has occasioned an unexampled increase in the demand for iron, followed by an unprecedented advance in the price of this article. The rails manufactured in the United States are wholly inadequate to supply the home demand; in fact, more than twenty-five per cent of this demand cannot be supplied by American mills. Thus, we are compelled to purchase three-fourths of our railroad iron abroad, or abandon or delay our enterprises now in progress. This would be ruinous, as involving the loss of the local works already done upon them,

without some relief or assistance. It is apprehended by the most judicious friends of internal improvement, that many meritorious enterprizes will suffer, and perhaps fail for the want of the means to purchase iron and equipments at the present enormously high prices. The impost duty collected by the Federal Government on importations of foreign railroad iron at present prices, amount to about \$13 50 per ton. If the government would either repeal this duty altogether, or suspend its collection until the end of two years from the opening of the road for business, on which the iron is used, it is thought this would afford to new companies such "material aid" as would enable them to bring their roads into use without injurious delay. Having an overflowing treasury the government could extend this assistance and encouragement to internal improvements without the slightest inconvenience or embarrassment to her finances. Those roads, for military and postal purposes, are of great value and convenience to the government. They penetrate every interior and hitherto insulated section of our broad country, and connect it with the seaboard, thus giving to the surplus productions of industry a cheap outlet to tide water, whereby our exports, and consequently our imports are largely augmented, with a corresponding increase in the revenues of the government, derived from impost duties. As a condition upon which the collection of the duty on railroad iron is suspended, Congress might require the railroad companies, as soon as their roads, or any parts thereof, are open for business, to transport the mail for a just and reasonable compensation, to be credited to the companies on the amount of duty due the government on the iron imported by them. This provision could be made to apply to the transportation of all government property on these roads, in the same way.

By this arrangement, the government would only lose the interest on these duties for a short time, whilst by this liberal policy it would insure the speedy completion of the roads now in process of construction, and secure all the advantages, social, political and commercial, resulting from these enterprizes. Therefore,

*Resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives requested to use their efforts and influence for the passage of a law suspending the collection of the duty on railroad iron as set forth and prayed for in the foregoing preamble.*

*Resolved, That the Governor of this State be request-*

ed to forward to each of our members in Congress, a copy of the foregoing preamble and resolution.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Adopted, February 17, 1854.

## NUMBER II.

A Resolution confirming the appointment of Trustees for the University of Nashville.

*Resolved by the General Assembly of the State of Tennessee,* That the election by the trustees of the University of Nashville, of C. K. Winston, Sterling Cockrell, Jacob McGavock, A. V. S. Lindsley, John M. Lea, William T. Berry, James W. McCombs, A. L. P. Green, and James Woods, to be additional trustees, be, and the same is hereby confirmed.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Adopted, February 15, 1854.

## NUMBER III.

A Resolution for the benefit of the Volunteers in the Mexican War.

*Resolved by the General Assembly of the State of Tennessee,* That our Senators in Congress be instructed, and our Representatives requested to use all laudable means to procure the passage of an act that will secure to the mounted volunteers called into the service of the United States during the Mexican war, payment for horses and equipage lost in that service.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Adopted, March 3, 1854.

## NUMBER IV.

Joint Resolution directory to the Secretary of State.

*Resolved by the General Assembly of the State of Tennessee,* That the Secretary of State be and he is hereby instructed to collect all of the books belonging to the State, and have them in his office in the capital as soon as possible for the use of the Legislature.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted, January 5, 1854.

## NUMBER V.

A Resolution to furnish the new counties with the Reports of the Supreme Court.

*Resolved by the General Assembly of the State of Tennessee,* That it shall be the duty of the clerk of the supreme court to furnish to all new counties their distributive proportion of the Reports of the State, so far as he may have them on hand for distribution; and that the said clerk be authorized to purchase the wanting copies to supply said new counties, and that the Comptroller be required to issue his warrant on the Treasury for the payment of the same; and in case the Reports cannot be procured, a copy of Meigs' Digest shall be furnished in lieu thereof.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted, March 2, 1854.

## NUMBER VI.

Resolution directory to the Secretary of State.

*Resolved by the General Assembly of the State of Tennessee,* That the Secretary of State have printed for the use of the House one thousand captions of the acts and resolutions passed by this General Assembly, and have the same printed by next Monday morning. Also one hundred and fifty copies of the catalogue of the members of the General Assembly.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted, March 2, 1854.

## NUMBER VII.

Joint Resolution appointing Commissioners on the claim of John Blair and others.

*Resolved by the General Assembly of the State of Tennessee,* That Ebenezer Alexander, Wm. G. Swan and Thos. L. Williams, be appointed commissioners to examine into and report to the next General Assembly their conclusion upon the claims of John Blair, James Johnston, Wiley Blair and William Y. Huff, against the State, arising out of litigation respecting a section of land claimed as against their title under a reservation alleged to have been made by Pathkiller.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted, January 27, 1854.

## NUMBER VIII.

Resolution directory to the Comptroller of the Treasury.

*Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury ascertain the amount of the school fund wrongfully withheld from counties under the act of 1844, chap. 159, section 1; that he issue his warrant to the trustees of such counties for the amount thus withheld; and in ascertaining said amount, the Comptroller shall not charge such counties with any losses by the superintendent of public instruction, or his agents, but shall charge such counties with the losses of the county common school commissioners, or county courts.*

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted, February 16, 1854.

## NUMBER IX.

A Resolution in honor of the late Thomas Ewell.

WHEREAS, It is not only the policy but the duty of a government to cherish, and when displayed in an eminent degree in its behalf, to reward the courage and patriotism of its citizens; and, *whereas*, the late Lieutenant THOMAS EWELL, being at the time a citizen of Tennessee, exhibited on the 18th April, 1847, in the battle of Cerro Gordo, the highest courage; and in the loss of his life, and by the sentiments he uttered in his last moments, gave the strongest proof of his devotion to the glory and honor of his country; and, *whereas*, it is now out of the power of this State to testify to him in any way, its approval; but being sensible of his deserts, and wishing to notice with its applause, his heroic conduct and death: Now, therefore,

*Be it Resolved by the General Assembly of the State of Tennessee, That the courage and patriotism displayed by the late Thomas Ewell at the battle of Cerro Gordo, in the Republic of Mexico, would have entitled him, if*



alive, to the highest honor and applause from his fellow-citizens of Tennessee, and being dead, do entitle him to their affectionate and mournful remembrance; and believing, that next to the satisfaction which the approval of his countrymen would have excited in his mind, if alive, would be the knowledge, that such approval was communicated to his mother; Therefore,

*Be it further resolved by the General Assembly of the State of Tennessee*, 2nd, That the Governor of this State be requested to transmit a copy of this resolution to his mother, Mrs. Elizabeth Ewell, of Prince William county, in the State of Virginia.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Adopted, February 15, 1854.

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## NUMBER X.

Joint Resolution declaring the Schedule a part of the Constitution.

*Resolved by the General Assembly of the State of Tennessee*, That the schedule attached to the amendments [to the constitution, and being part of the amendments,] has been ratified by the people, and is a part of the constitution.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
EDWIN POLK,  
*Speaker of the Senate.*

Adopted, January 27, 1854.

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## NUMBER XI.

*Resolved by the General Assembly of the State of Tennessee*, That our Senators and Representatives in Congress, be, and they are hereby requested to endeavor to procure the passage of a law allowing a pension to the officers and soldiers who served the United States in

the war of 1812, against Great Britain, and also those who served the United States in the various Indian wars.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Adopted, February 22, 1854.

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## NUMBER XII.

*Resolution directory to the Comptroller of the Treasury.*

*Whereas*, In the year 1847, the Comptroller of the Treasury issued to Barton McCamy, Esq., of the county of Anderson, his warrant No. 9126, on the Treasurer of Tennessee, for the sum of one thousand and thirty-nine dollars and ninety-three cents; which warrant was paid to said McCamy by the Branch Bank of Tennessee at Athens; *And whereas*, said Comptroller's warrant was transmitted through the mail by V. M. Campbell, late Cashier of said Branch Bank, to the Cashier of the principal Bank at Nashville, but was lost or miscarried so that the same has never come to hand. *Therefore*,

*Resolved*, That the Comptroller of the Treasury is directed to issue [to the Bank of Tennessee at Athens] a duplicate of warrant No. 9126, for one thousand thirty-nine dollars ninety-three cents, to be paid to said Bank by the Treasurer.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Adopted, February 17, 1854.

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## NUMBER XIII.

*Resolved by the General Assembly of the State of Tennessee*, That William Caldwell, of the county of Obion, in the State of Tennessee, be and is hereby appointed

an additional commissioner, under a resolution adopted by the General Assembly, December 2, 1851, to appoint commissioners to negotiate with the Legislature of Kentucky, for the cession of a small portion of territory belonging to Kentucky, to the State of Tennessee, and that William Caldwell be, and he is hereby invested with all the rights, powers and privileges, and entitled to receive the same remuneration that the other commissioners have and receive.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Adopted, January 11, 1854.

#### NUMBER XIV.

##### Joint Resolution on Weights and Measures.

WHEREAS, The Congress of the United States, on the 14th of June, 1836, adopted the following joint resolution—to-wit:

*“Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he hereby is directed to cause a complete set of all the weights and measures adopted as standards, and now either made or in progress of manufacture for the use of the several custom houses, and for other purposes, to be delivered to the Governor of each State in the Union, or such person as he may appoint, for the use of the States respectively; to the end that an uniform system of weights and measures be established throughout the United States.”*

And, *whereas*, there is great and growing need of some provision being made for the better regulation of weights and measures in this State: Therefore,

*Be it resolved by the General Assembly of the State of Tennessee, That the Governor be, and he is hereby authorized to appoint a suitable person as superintendent of weights and measures, to take charge of the standards, and that the Governor cause a suitable place to be prepared for their reception and preservation.*

*Be it further resolved, That the Governor of the State*

cause to be made, under the direction of the said superintendent, a set of standard weights and measures for each county in the State, and that he be authorized to draw upon the Comptroller for payment of the expenses attending the same.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Adopted, March 3, 1854.

## NUMBER XV.

### A Resolution to encourage Agricultural pursuits.

*Whereas*, Our worthy fellow-citizen, Mark R. Cockrill, has devoted a long life to the advancement and development of our agricultural resources, and especially to the improvement and perfection of the wool growing interest; *and whereas*, it is the policy of Tennessee to foster and encourage agricultural pursuits. Therefore,

*Resolved by the General Assembly of the State of Tennessee*, That, as a manifestation of our high appreciation of his valuable services, and as a testimonial of our regard for his eminent success in his useful and honored labors, that a gold medal, with a suitable device upon it, be presented to him by the State of Tennessee; *Provided*, said medal shall not cost exceeding one hundred dollars.

*Resolved, further*, That a committee of three be appointed to have said medal prepared, and present the same.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Adopted, February 21, 1854.

## NUMBER XVI.

Joint Resolution declaring the amendment "for the election of Judges and Attorneys General by the people," a part of the Constitution of the State of Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* "That the amendment to the constitution of this State, entitled "a resolution to alter the fourth section of the tenth article of the constitution of the State of Tennessee, for the new counties," has been rejected. And the amendment to the constitution of this State, submitted to the people for ratification on the first Thursday in August, 1853, entitled "proposed amendments of the constitution of the State of Tennessee, adopted by the present General Assembly and to be acted upon by the people," has been approved and ratified by the people: .

It is, therefore, hereby declared, that amendment aforesaid, "for the election of Judges and Attorneys General by the people," is a part of the constitution of the State of Tennessee.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate*

Adopted, November 3, 1853.

## NUMBER XVII.

*Resolved by the General Assembly of the State of Tennessee,* That the disbursing and collecting officers of the State, be directed to keep all the public monies in the bank or its branches, in which the State is directly interested—viz: The Bank of Tennessee, Union Bank, Planters' Bank and their branches.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted, February 17, 1854.

## NUMBER XVIII.

*Resolved by the General Assembly of the State of Tennessee,* That the people of Tennessee feel a deep interest in the early construction of the Pacific railroad, and regard it as the great question of the age in American policy, uniting the Atlantic with the Pacific shore, and binding together the broad extent of our confederacy by those ties of mutual interest and protection which offer the best and surest guarantee for the perpetuity of republican liberty on this continent.

*Resolved,* That we cherish a profound sympathy for our brethren on the Pacific shores, in their exposed condition in time of war, and their anxiety for a more direct communication with the government at Washington by railroad, thus opening up to them and to us a great highway for military defence and protection, and for the rapid transit of mails, and levying a willing tribute from foreign nations, by attracting along its line and diffusing in our midst the commerce and wealth of both hemispheres.

*Resolved,* That our Senators and Representatives in Congress, are hereby requested to insist that the federal government shall offer such constitutional assistance by a liberal grant of public land, or loan of government credit, or otherwise, as may be deemed expedient to facilitate and encourage the speedy completion of that great work.

*Resolved,* That we are persuaded the central terminus of said road must be at Memphis, on the Mississippi river, there making a connection with the railroads now being constructed through Tennessee, and forming the most direct route to the Atlantic seaboard cities.

*Resolved,* That the State of Tennessee pledges herself to grant liberal State aid to any section of the said road, which may pass through her territory, not now already provided for.

*Resolved,* That the Governor of this State be instructed to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted February 21, 1854.

## NUMBER XIX.

**Joint Resolution and Memorial on the subject of Bounty Lands to the Volunteers of 1836.**

*To the Senate and House of Representatives  
of the United States, in Congress assembled :*

The General Assembly of the State of Tennessee, would respectfully bring to the favorable consideration of Congress, the claims of a large number of their citizens, which, in the opinion of this General Assembly, are founded in justice upon a patriotic sacrifice, and a prompt answer to the call of the country for military service.

In the year 1836, under the proclamation of the Governor of this State, in obedience to a requisition of the President of the United States, several companies of volunteers were mustered into the service of the United States, to serve twelve months; and to prepare themselves for the service, made many and great sacrifices. After they had been mustered into service, but within one month, the commanding General ordered said volunteers to return to their homes and there wait the further orders of the President of the United States, or the commanding General, without pay.

This order to return home has been decided by the Secretary of War an indefinite furlough, and the volunteers consequently liable to be called again, at any time within the twelve months, into the service of the United States.

Now, as it has been the settled policy of the Government of the United States, to reward the soldiers who have served their country faithfully, by a grant of a portion of the public lands; and as, in the opinion of this General Assembly, the class of volunteers before referred to, are equal in merit with many others who have, by existing laws of Congress, received the munificence and liberality of their government by a grant of a portion of the public lands, it is respectfully recommended and urged that the Congress of the United States pass an act providing for the grant of lands in the same way, and to the same extent, to the volunteers before referred to, as have been granted to those volunteers who continued in active service for three months.

*Be it resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives be requested to use all fair*

means in their power to have a law passed to carry in to effect the objects contemplated in the foregoing memorial.

*Be it further resolved*, That the Governor communicate to each of our Senators and Representatives, a copy of the foregoing memorial and resolve.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted, February 25, 1854.

## NUMBER XX.

WHEREAS, In the winter of 1792-3, the infant settlements on the Cumberland, having already suffered much from the inroads of their savage neighbors, the treacherous Creeks and Cherokees, were hourly expecting an invasion of their remote, scattered and defenseless forts and stations by a large body of warriors.

And whereas, by a voluntary cession of the territory, now Tennessee, by the State of North Carolina, its connexion with, and dependence upon that State had ceased, and as yet the general government had made no provision for its protection; and the only immediate succor to which its inhabitants could look was from their natural allies, their friends and relatives on the Holston;

And whereas, at the earnest petition of this remote and suffering vanguard of Tennessee civilization, Captain William Reed of Sumner county, undertook the perilous service of communicating their exposed and dangerous situation to their friends in East Tennessee, his path lying through an unsubdued wilderness, beset by fatal ambuscades on every hand, without guide or escort, and having performed this mission, proceeded from Knoxville to the city of Philadelphia, where Congress was then in session, to present the claims of his suffering countrymen to the consideration of that body; for which service, though at his own expense, and at the imminent hazard of his life, he has never received one dollar of compensation, either from the general government or from any other source: Therefore,



*Be it resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives be requested, to use their best exertions to procure the passage of a law, allowing said William Reed such compensation, either by a bounty in public lands, or by an appropriation from the treasury, as may be just and reasonable in view of the dangerous, expensive and distinguished service rendered by him.*

*Be it further resolved, That the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.*

I state, that in the year 1792, in the fall of that year, I started by request of the citizens of Middle Tennessee, to Knoxville, to get aid for the settlers, the Indians being about to take the country, to go to Congress and get aid from the government. I started in January, 1792, and got, in safety, to Knoxville in February, 1792. I remained in Knoxville a short time, and proceeded to Philadelphia, the Congress then sitting at that place. I arrived safe there about the first of April, 1793, and remained there until the last of May, 1793, and started back and arrived safe at Bledsoe's Lick about the last days of June, 1793. I paid my own expenses, both coming and going, and in all it amounted in cash to about four hundred dollars. I lost a valuable horse in the trip worth two hundred dollars, making my entire loss in the trip six hundred dollars, besides my time in the trip, say eight months, which is worth something, and I ought to have pay for it; I have never got one dollar. Signed.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted February 17, 1854.

## NUMBER XXI.

Resolution to appoint a Joint Select Committee of the two Houses on the Library.

*Resolved by the General Assembly of the State of Tennessee, That a joint select committee, to consist of two members of the Senate and three of the House, be appointed, to be styled the Library Committee, whose duty it shall be to take into consideration and recommend measures providing for a Library for this State.*

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted, January 5, 1854.

## NUMBER XXII.

Joint Resolution to appoint a Commissioner to the State of Georgia.

*Resolved by the General Assembly of the State of Tennessee, That his Excellency, the Governor, be authorized to appoint a commissioner, learned in the law, whose duty it shall be to confer with the commissioner appointed by the Governor of Georgia, either here or in the State of Georgia, upon the subject of the intercourse by railroad between the two States, with instructions to report to the General Assembly of this State, all the legislative action that has been had by the two States in reference to this matter; and also, what further legislation, if any, is necessary to preserve the rights of the citizens of Tennessee, and to maintain our friendly relations with Georgia.*

*Resolved, That his Excellency, the Governor of this State, be instructed to forward a copy of this report to his Excellency, the Governor of Georgia.*

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed, March 3, 1854.

## NUMBER XXIII.

*Resolved by the General Assembly of the State of Tennessee,* That William K. Eckle be, and he is hereby appointed Trustee of the East Tennessee University, at Knoxville, to fill the vacancy occasioned by the death of James Park, Esq.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Adopted 15, 1853.

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## NUMBER XXIV.

*Resolved by the General Assembly of the State of Tennessee,* That a joint committee, consisting of three on the part of the House, and such number as may be appointed on the part of the Senate, be raised to wait upon his Excellency, the Governor, and inform him that the General Assembly has adopted a resolution to adjourn *sine die* on Monday the 6th of March, and ascertain if he has any further communication to make to the same.

WM. H. WISENER,  
*Speaker of the House of Representatives.*

EDWIN POLK,  
*Speaker of the Senate.*

Adopted, March 3, 1854.

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## NUMBER XXV.

*Resolved by the General Assembly of the State of Tennessee,* That Allen Hurst and John Hitch, be, and are hereby appointed commissioners of Union county, in-

stead of John Bullard and J. C. Dyer, removed from said county.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed December 15, 1853.

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## NUMBER XXVI.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury issue his warrant in favor of the public printers for four thousand dollars on account of public printing for the present general assembly.

WM. H. WISENER,  
*Speaker of the House of Representatives.*  
 EDWIN POLK,  
*Speaker of the Senate.*

Passed, December 6, 1853.

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## NUMBER XXVII.

Resolution directory to the Attorney General for the 8th Judicial Circuit in this State.

WHEREAS, the Legislature of this State many years ago, deeming that the free and unobstructed navigation of Duck river was demanded by the necessities and convenience of the people living on said river, passed an act declaring said river navigable; and whereas, the General Assembly of this State, afterwards, for the purpose of increasing the facilities for navigating said river, enacted a charter incorporating the Duck River Slack Water Navigation Company, by which charter said company were empowered and authorized to erect locks and dams across said river, to a number sufficient to effect the main object which the legislature had in view when said company was chartered, that is, the safer and better navigation of said river; and whereas,

a company was organized under the provisions of said charter, and proceeded to erect, and did in fact erect one dam across said river, below the town of Columbia, and then discontinued their work and abandoned their original intention of making said river navigable by means of slack water navigation; and whereas, the free and unobstructed navigation of said river is greatly demanded by the necessities as well as for the convenience of all the citizens of this State, residing upon said river above said dam erected by the said company as aforesaid, the better to enable them to carry off their timber (which is very valuable and in great demand in the southern market) to market, as well as all other commodities which they may wish and desire to send down said river. And whereas, the dam erected across said river by said company as aforesaid, is a great nuisance and entirely impedes the navigation of said river, and cuts off the privileges, and advantages which would otherwise accrue to those living upon said river, and is of no advantage to any one; Therefore, for remedy whereof,

*Be it resolved by the General Assembly of the State of Tennessee,* That the attorney general for the 8th judicial circuit in this State, be and he is hereby instructed to cause a scire facias to be issued from the proper court, commanding said Duck River Slack Water Navigation Company, to appear and show cause why their charter of incorporation shall not be repealed or declared forfeited; or the said attorney general is hereby empowered to take any other legal steps which he may deem right and proper, to remove said dam from across said river.

*Resolved, 2nd.* That should the said attorney general deem it expedient or called for, he is hereby empowered to employ additional counsel to assist him in the prosecution of the suit commenced as aforesaid to a successful termination.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted December 7, 1856.

## NUMBER XXVIII.

*Resolved by the General Assembly of the State of Tennessee, That Edward West, of the county of Knox, be and he is hereby appointed commissioner on the Tazewell and Knoxville Turnpike Road, to fill the vacancy occasioned by the resignation of Calvin Huddleston, of the county of Grainger.*

**WM. H. WISENER,**

*Speaker of the House of Representatives.*

**EDWIN POLK,**

*Speaker of the Senate.*

Adopted, November 15, 1853.

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## NUMBER XXIX.

*Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be authorized to purchase and procure for the use of the committees on internal improvements of the House and Senate, such railroad maps and other drawings as said committees may deem necessary for a more thorough knowledge of the matters referred to them.*

**WM. H. WISENER,**

*Speaker of the House of Representatives.*

**EDWIN POLK,**

*Speaker of the Senate.*

Adopted, November 15, 1853.

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## NUMBER XXX.

*Resolved by the General Assembly of the State of Tennessee, That there shall be printed of the acts of the present session of the legislature, for distribution, one copy for each justice of the peace in this State, one copy for each Sheriff, one for each circuit court clerk, one for each county court clerk, one for each county trustee, county register, coroner, ranger, entry-taker and surveyor; and that there shall be printed for distribution, one copy of the journals of each branch of the legisla-*

ture, for each civil district of each county in this State,  
to-wit :

Counties.	No. of Acts.	No. of Jo's of each Ho.	Counties.	No. of Acts.	No. of Jo's of each Ho.
Anderson,	36	13	Lincoln,	60	25
Bledsoe,	32	11	Lawrence,	38	13
Blount,	44	17	Lewis,	24	7
Bradley,	34	12	Lauderdale,	28	9
Bedford,	48	19	Marion,	34	12
Benton,	30	10	McMinn,	44	17
Campbell,	32	11	Meigs,	26	8
Carter,	30	10	Monroe,	50	20
Claiborne,	35	12	Morgan,	28	9
Cocke,	30	10	Macon,	34	12
Cannon,	34	12	Marshall,	41	15
Coffee,	34	12	Maury,	55	25
Carroll,	48	19	Montgomery,	40	15
Davidson,	65	25	Madison,	45	17
Dickson,	32	11	McNairy,	40	15
Decatur,	30	10	Overton,	34	12
DeKalb,	40	15	Obion,	32	11
Dyer,	34	12	Polk,	28	9
Fentress,	32	11	Perry,	32	11
Franklin,	38	14	Rhea,	30	10
Fayette,	34	12	Roane,	40	15
Frainger,	40	15	Rutherford,	61	25
Green,	54	22	Robertson,	40	15
Giles,	51	19	Scott,	26	8
Gibson,	48	19	Sevier,	35	12
Grundy,	26	8	Sullivan,	40	15
Hamilton,	38	14	Smith,	56	23
Hancock,	28	9	Sumner,	48	19
Hawkins,	42	16	Stewart,	34	12
Hickman,	36	13	Shelby,	41	14
Humphreys,	32	11	Tipton,	32	11
Haywood,	34	12	Van Buren,	28	9
Hardeman,	44	17	White,	40	15
Hardin,	36	13	Washington,	46	18
Henderson,	35	17	Wilson,	60	25
Henry,	50	20	Williamson,	60	24
Jefferson,	41	15	Wayne,	38	14
Johnson,	28	9	Warren,	42	16
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Knox,	51	19			

*And be it further resolved, That there shall also be printed for each member of the Senate and House of Representatives, one copy of the acts; and one bound copy of the journal of the Senate and House; for the office of the Secretary of State, one hundred copies of the acts, and fifty bound copies of the journals of each house; for each judge of the supreme court, for each judge of the circuit courts, for each judge of the criminal courts, and for each chancellor in this State, one copy of the acts; [for each of the supreme, chancery and criminal court clerks, each, one copy of the acts;] for each attorney general, one copy of the acts; for the comptroller and treasurer, each, one copy of the acts; for each State and territory, and the District of Columbia, two copies of the acts.*

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Passed November 15, 1854.

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## NUMBER XXXI.

Memorial of the Senate and House of Representatives of the State of Tennessee, to the Senate and House of Representatives of the United States, in Congress assembled.

Your memorialists would respectfully represent to your honorable body, that a large number of the citizens of this State are now suffering, and are likely still more to suffer serious injury from the increased rise of the waters of the Mississippi river, caused by the leveeing of the banks of said river in the States of Missouri and Arkansas. They are not able to calculate with certainty the probable increased rise, but they believe it will be sufficient to overflow thousands of acres of lands now above high water mark, and that many of the citizens residing on and near the river in this State, will thereby be ruined. Your memorialists are induced to state these facts to your honorable body, from the consideration mainly that such are the inevitable results of the policy adopted by the Congress of the United States in ceding to the States of Missouri and Arkansas their swamp lands, for the purpose of leveeing



the banks of the Mississippi in those States. By this policy, great benefits have been conferred on those States, and your memorialists greatly fear nearly as much injury has been done to the State of Tennessee.

Your memorialists would further beg leave to represent, that while they are asking from the Congress of the United States some relief from the effects of the aforesaid policy, it is their opinion that the same means contemplated to be used to effect that object, would also tend greatly to improve the navigation of that part of Mississippi where the greatest destruction of steamboats and of commerce has occurred. It is generally admitted that the frequent changes in the channel of the Mississippi river, especially between the mouth of the Ohio and Memphis, is the main cause of sinking of such a large number of boats. Your memorialists believe that the leveeing of the east bank of the river would have the effect of keeping it within the channel, and of preventing, in a great degree, the constant change above mentioned. They would therefore respectfully ask the passage of an act to enable the injured portion of the State to levee such part of the east bank of said river as may require it, from the Kentucky line to the line of the State of Mississippi. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That our Senators and Representatives in Congress be requested to urge upon the Congress of the United States, the importance of the subject of this memorial, and that the Governor be requested to forward a copy of this memorial and resolution to each of our Senators and Representatives in Congress.

WM. H. WISENER,

*Speaker of the House of Representatives.*

EDWIN POLK,

*Speaker of the Senate.*

Adopted, February 27, 1854.

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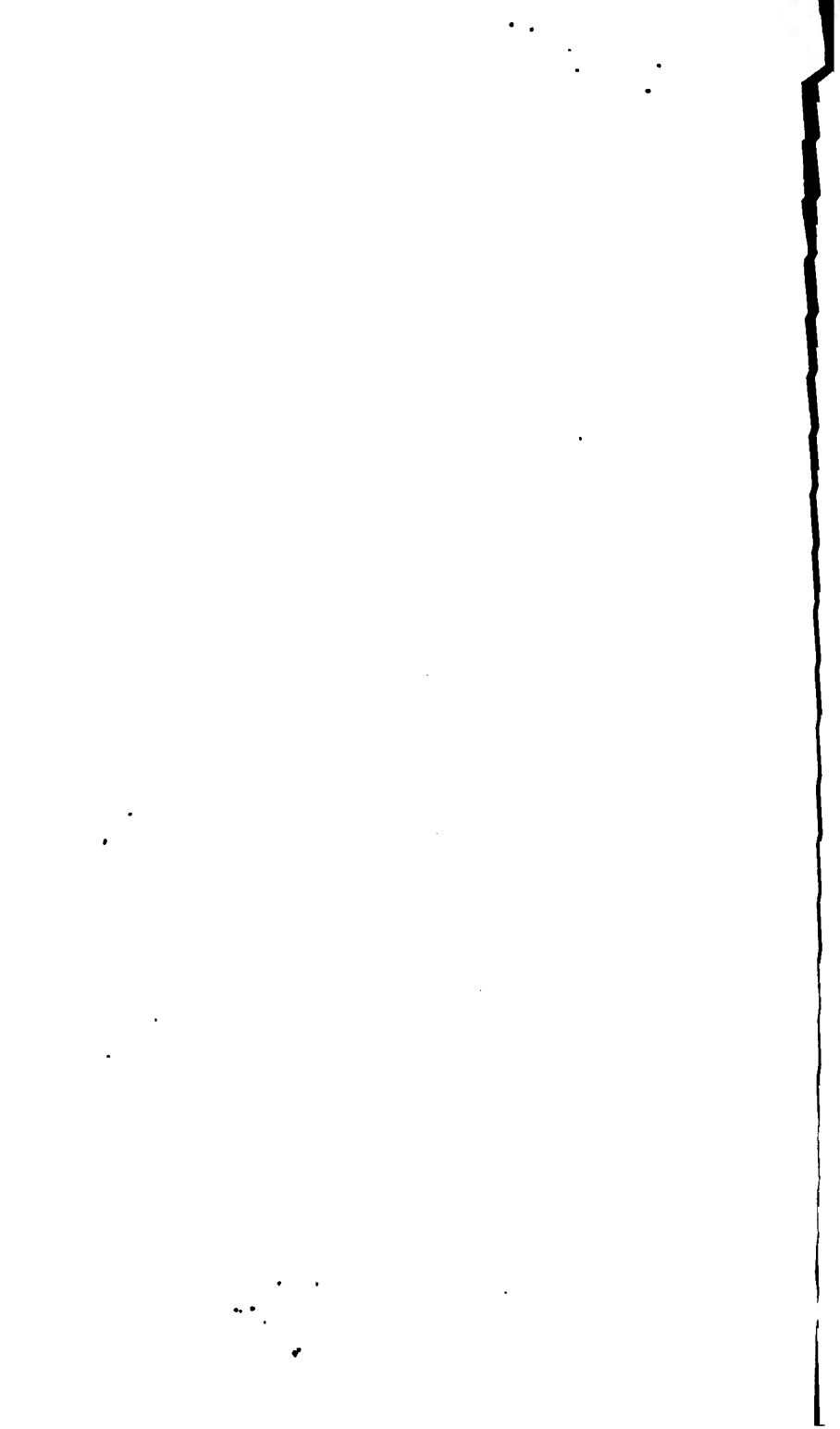
SECRETARY OF STATE'S OFFICE. }

Nashville, May 25, 1854. }

I have carefully collated the foregoing Acts, Memorials and Resolutions with the originals on file in my office, and find them correct copies.

W. B. A. RAMSEY, . . .

*Secretary of State.*



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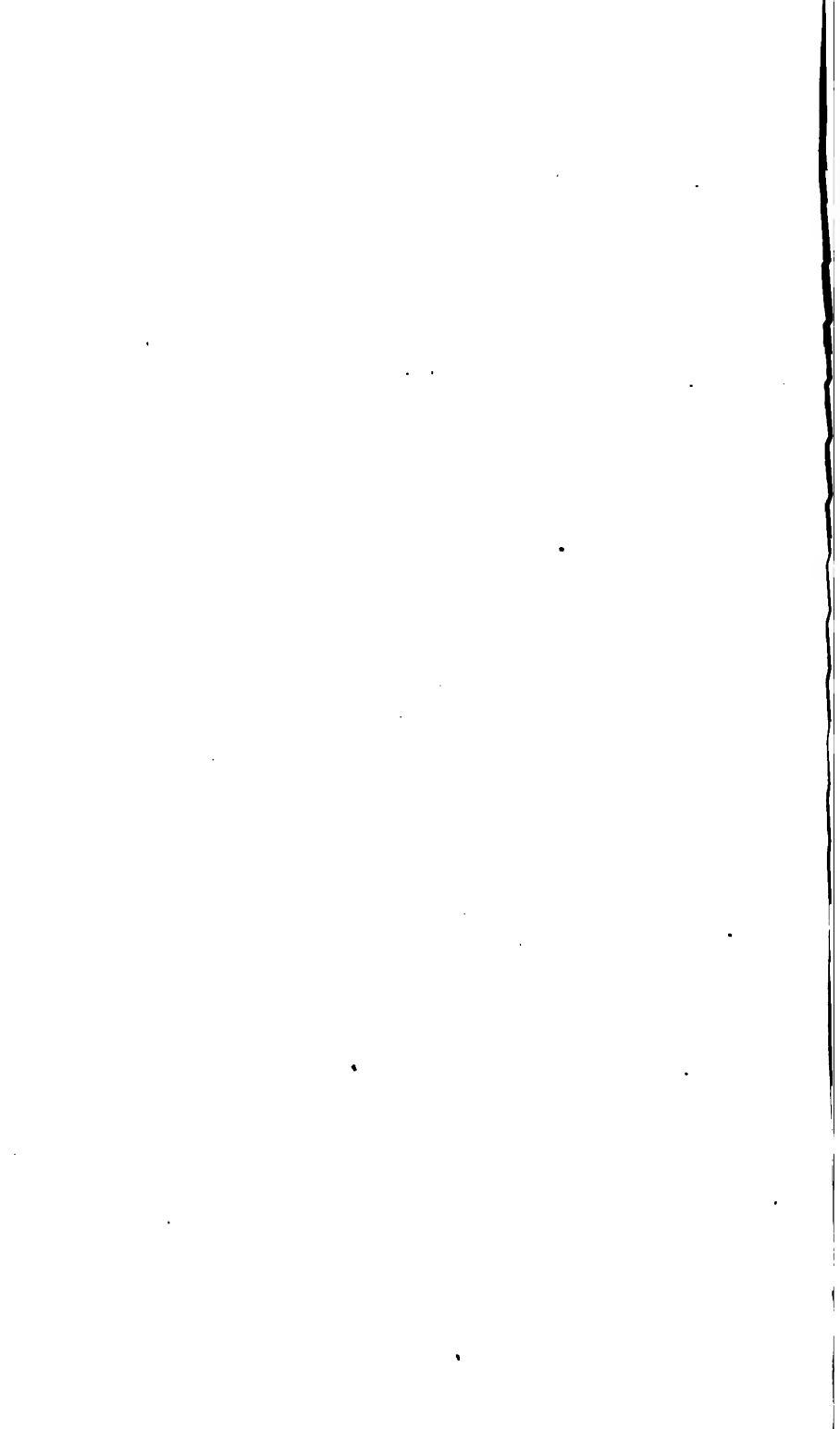
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<b>tee of,</b>			
<b>“ of Nashville, Trustees of, confirmed,</b>			785

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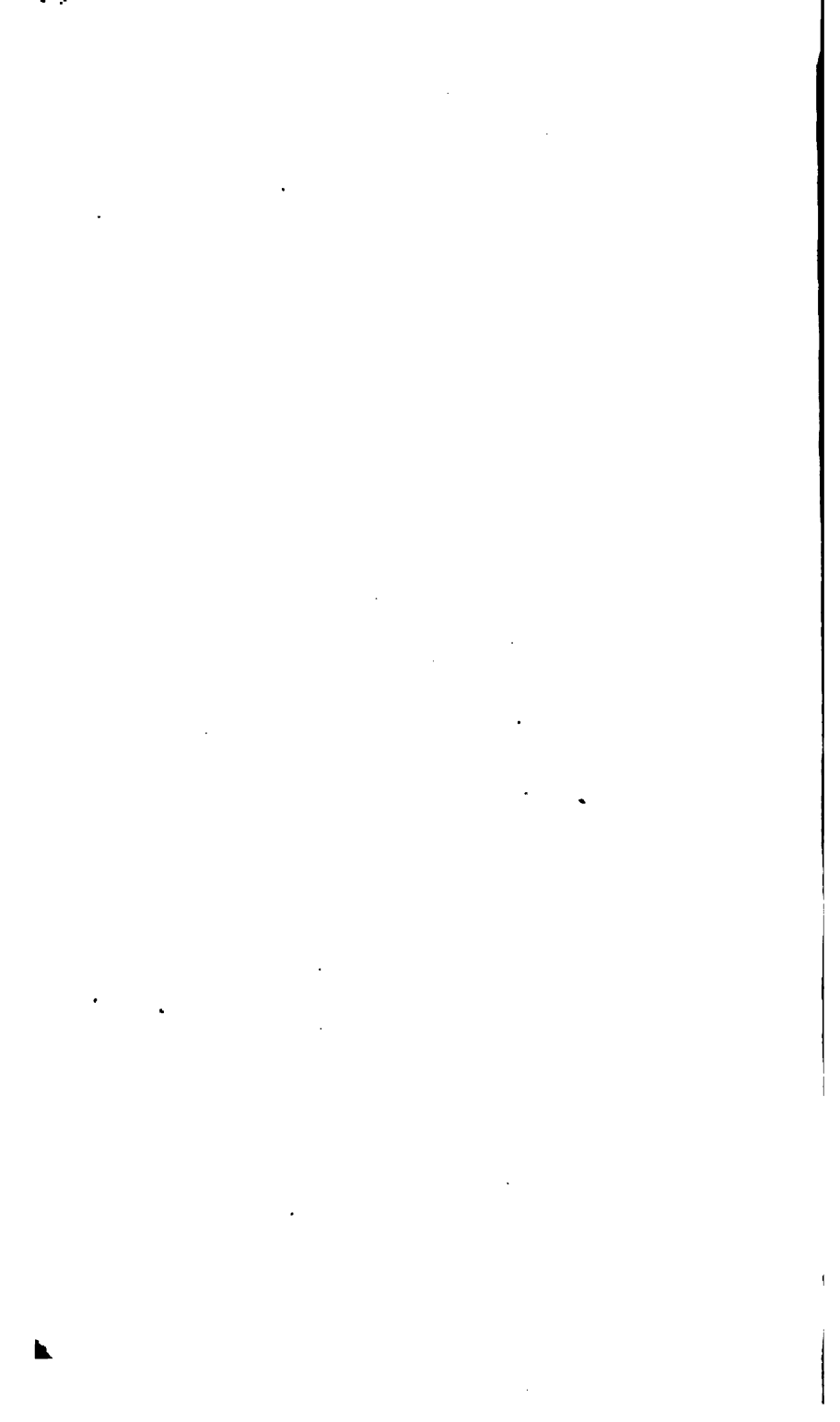
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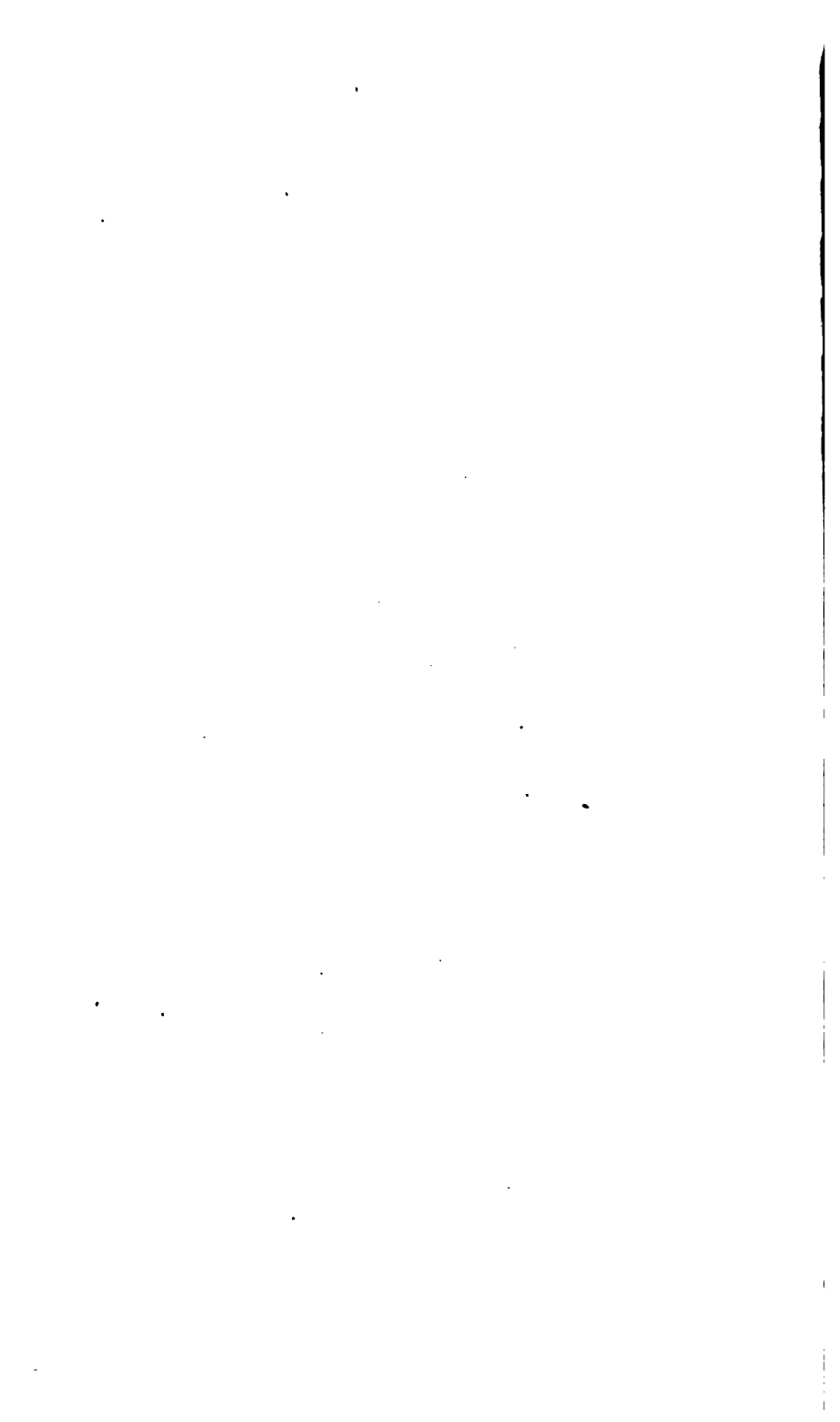




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**COMPILATION**  
**OF**  
**COMMON SCHOOL LAWS.**

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**COMPILATION**  
**OF**  
**COMMON SCHOOL LAWS.**

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# PREFACE.

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DEPARTMENT OF STATE, }  
Nashville, May 22, 1854. }

By an act passed on the 28th day of February, 1854, it was made the duty of the Secretary of State "to make a compilation of all the laws in relation to Education and Common Schools." In the performance of this duty, the undersigned might have felt himself authorized, by the comprehensive language of the law enjoining it, to embrace in the compilation much of the early and frequent legislation of the State on the whole subject of education, including the numerous provisions for the organization and support of Colleges, Academies, and other institutions of learning. But believing that the great object the legislature had in view, in requiring the compilation to be made, was to condense and exhibit in the shortest and most intelligible form, the entire law upon the subject of common schools, for the purpose of practically applying it to our existing system on that subject, I have chosen not to extend the following compilation beyond what properly appertains to this system, and to a correct understanding of its operations, and also to the general laws relating to the sale of the school lands, which last, though local and partial in their operation were, nevertheless, deemed of sufficient general importance to be included in the compilation.

To make it still more plain and simple, the whole subject has been divided into three distinct departments, and the compilation has been made, as nearly as practicable, in conformity with this division.

The first department embraces all the laws creating the common school fund.

The second, all the laws establishing and regulating the whole machinery of our common school system.

The third, the general laws relating to the sale of the common school lands.

A synoptical index has been appended, which will enable the reader to find the law bearing upon any particular point in the operations of the entire system.

W. B. A. RAMSEY, Secretary of State.

# L A W S

## CREATING THE COMMON SCHOOL FUND.

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### CHAPTER 34.—ACTS OF 1833.

AN ACT to establish the Planters' Bank of Tennessee.

SEC. 9. *Be it enacted*, That in consideration of the privileges granted by this charter, the bank agrees to pay to the State annually, one half of one per cent. on the amount of the capital stock paid in by the stockholders.

SEC. 20. *Be it enacted*, That the bonus agreed to be paid by the Planters' Bank to the State, shall be received annually as it falls due, by the Treasurer of Middle Tennessee, and the same is hereby appropriated to the common schools; and it shall be the duty of said Treasurer annually to divide the same among the counties in this State according to free white population: *Provided*, that if at the expiration of three years from the time the bank goes into operation, the whole stock shall not have been paid in, that the bonus shall be calculated upon two millions of dollars.

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### CHAPTER 54.—ACTS OF 1833.

AN ACT to charter the Farmers' and Merchants' Bank of Memphis.

SEC. 15. *Be it enacted*, That in consideration of the privileges granted by the charter, the bank agrees to pay to the State annually, one half of one per cent. on the amount of the capital stock paid in, which said bonus is hereby appropriated to the use of common schools throughout this State: *Provided*, That if the whole

amount of capital stock of said bank shall not be paid in within three years from the time when the first instalment shall be payable, then, and after that time, the said corporation shall pay annually to the State a bonus of one half of one per cent. upon the whole amount of the capital stock subscribed.

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## CHAPTER 61.—ACTS OF 1833.

AN ACT to incorporate the Tennessee Marine and Fire Insurance Company.

SEC 20. *Be it enacted*, That in consideration of the privileges conferred by this charter, the company shall pay to the State, as a *bonus*, annually, five per cent. upon the nett annual profits made by the company: *Provided*, that no *bonus* shall be required to be paid in any year when the nett profits for that year shall be less than ten per cent. upon the capital stock actually paid in; which said *bonus* shall be paid to the treasurer of Middle Tennessee, and is hereby appropriated to the use of common schools, to be divided among the several counties of this State, in the proportion to their free white population.

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## CHAPTER 107.—ACTS OF 1837.

AN ACT to establish a State Bank, to raise a fund for Internal Improvement, and to aid in the establishment of a system of Education.

SEC. 3. *Be it enacted*, That the money belonging to the common school fund, which now may be in possession of the superintendent of public instruction, or which may hereafter come into his possession, shall be handed over to the president and directors of the Bank of Tennessee, as capital in said bank, and said president and directors, or a majority of them, shall be authorized and required for and in behalf of the State, and with a pledge of the public faith and credit, to issue to the superintendent aforesaid, State stock or certificates of debt for such sum or sums as may be from time to time paid over by the superintendent to the said president and directors; and the Governor of the State, the Comptroller of the Treasury, and the Superintendent of Public In-

struction, shall dispose of the stock in any and all the banks of the State, belonging to the common school fund, whenever the same can be sold at par for specie, or funds convertible into specie, at par value, and pay over the proceeds to the president and directors of the bank, who shall issue certificates of stock to the superintendent of public instruction as aforesaid: *Provided*, that any dividends on the same, which shall not be declared at the time of the sale, shall not be sold with the stock, but the same shall be received by the superintendent and paid over to the president and directors of the bank, and shall constitute a part of the contingent fund, to meet the annual or semi-annual liabilities of the bank, as shall also the interest and dividends which may hereafter arise on any portion of the capital of the school fund, before said capital is paid over to the president and directors of said bank; and in like manner the superintendent of public instruction shall pay over the proceeds of the sale of the Ocoee lands as they are received, and take certificates of stock; *provided*, that if a system of common schools shall be adopted and put into operation, by the present General Assembly, the funds which may accrue after the year 1837, for the benefit of common schools, from the bonuses of the present banks, and bonuses and dividends arising from other incorporate companies, and from privileges, fines, penalties and taxes, shall constitute part of the annual fund for distribution by the superintendent, and shall not be subscribed in stock in the State Bank. But should a system of common schools not be adopted as aforesaid, then said funds to be vested in stock in said bank, until otherwise directed by the General Assembly.

SEC. 8. *Be it enacted*, That of the dividends which shall be declared by the bank, one hundred thousand dollars shall be annually set apart for common schools, and the faith of the State is hereby pledged, for an annual appropriation of said amount to common schools, to be applied as the General Assembly may direct.

## CHAPTER 190.—ACTS OF 1937.

**AN ACT** to compel sheriffs to make return of executions and other process issuing from the supreme court.

**SEC. 4.** *Be it enacted*, That failing to make due return of all process other than executions issuing from the supreme court, the sheriff into whose hand such process may come shall forfeit one hundred and twenty-five dollars, and judgment *nisi* shall be rendered thereon, for such penalty on motion, for the benefit of the party aggrieved by such failure, and upon the return of a *scire facias* made known to such sheriffs, should they fail to show sufficient cause, in the opinion of said court to excuse the non-return of such process, judgment final shall be rendered against such sheriff and his securities for the amount of such penalty and all costs accruing.

**SEC. 5.** *Be it enacted*, That all penalties under this act in the name of the State, shall be collected by the clerks and paid over to and make part of the common school fund.

## CHAPTER 20.—ACTS OF 1839.

**AN ACT** to incorporate the Clarksville Marine Fire Insurance and Life and Trust Company.

**SEC. 21.** *Be it enacted*, That in consideration of the privileges conferred by this charter, the company shall pay to the State the same bonus that other insurance companies, chartered by the State, are paying, and the same is hereby appropriated to common schools.

## CHAPTER 38.—ACTS OF 1839.

**AN ACT** to re-enact and amend "an act to establish a system of Common Schools in the State of Tennessee," passed January 24, 1833.

**SEC. 38.** *Be it enacted*, That every clerk who shall refuse or neglect to make such report within the period so limited, shall, for every such offence, forfeit the sum of one hundred dollars to the use of the school fund of



## CHAPTER 39.—ACTS OF 1839.

**AN ACT** to regulate the receipt and disbursement of the Common School monies.

**SEC. 10.** *Be it enacted,* That the taxes heretofore paid into the common school fund from certain lands in the State shall hereafter be paid into the State Treasury, and in lieu thereof there shall (be) paid out of the Treasury of the State annually for the use of common schools the sum of two thousand dollars.

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## CHAPTER 180.—ACTS OF 1841.

**AN ACT** to dispose of that portion of the monies arising from the sale of the public land to which Tennessee may be entitled, under the act of Congress of the extra session of 1841, commonly called the Distribution Bill.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the President of the Bank of Tennessee be, and he is hereby constituted and appointed the agent of the State of Tennessee, with full power and authority to receive, from the Treasurer of the United States, such amount and portion of the monies arising from the sales of the public lands, which may be apportioned to the State of Tennessee, under the act of Congress, above mentioned, entitled an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, approved September 4th, 1841.

**SEC. 2.** *Be it enacted,* That the monies so received by said agent, shall be by him paid forthwith, with any premium which may be received thereon for difference of exchange, deposited in the Bank of Tennessee, to be disposed of as hereinafter directed.

**SEC. 3.** *Be it enacted,* That one-half of said fund be appropriated for the benefit of common schools, and be held by said Bank as part of the common school fund of this State, and that the same be used and disposed of as the other portions of the said school fund, as provided by the 8th section of the act of the General Assembly of the 19th January, 1848, establishing the Bank of Tennessee; the interest or dividends on which shall be distributed in like manner, as is provided by said act, and other acts of this State, in regard to interest or dividend on other portions of the common school fund.

## CHAPTER 60.—ACTS OF 1843.

AN ACT to charter the Bank of East Tennessee.

SEC. 18. *Be it enacted*, That in consideration of the privileges granted by this charter, the Bank agrees to pay to the State annually one quarter of one per cent on the amount of the capital stock subscribed and paid in.

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## CHAPTER 221.—ACTS OF 1843.

AN ACT to charter the Memphis Insurance Company.

SECTION 18. *Be it enacted*, That said company shall pay to the State the amount of one fourth of one per cent. per annum on the amount subscribed, as a *bonus* for the charter.

[NOTE.—The bonuses arising under these two last provisions are regularly collected and assigned to the common school fund, but the Compiler has not been able to find any law for such an assignment of what appears to be a *State* fund.]

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## CHAPTER 206.—ACTS OF 1847.

SEC. 6. *Be it enacted*, That the thirty six thousand two hundred and thirteen dollars and fifty-five cents, retained by the Comptroller, under the act of January 24th, 1846, from the annual distributive common school fund, to replace so much of the principal of said fund as was lost whilst the same was administered by the county common school commissioners, and county bank agents, be paid over to the board of commissioners of common schools, to be vested in State bonds by them, the interest of which shall be distributed as other school funds.

## CHAPTER 207.—ACTS OF 1847.

## AN ACT chartering the Lawrenceburg Bank.

**SEC. 6.** *Be it further enacted,* That the company hereby incorporated shall have all the rights and powers, and be subject to all the liabilities and restrictions, proportioned to the amount of its capital, as is granted to, and obligatory upon the Planters Bank of Tennessee; the charter of rights to which company is hereby extended to the "Lawrenceburg Bank of Tennessee." *Provided,* That the notes of said company for circulation shall not be of a denomination smaller than are authorised to be issued by the Bank of Tennessee; *Provided,* any succeeding Legislature shall have the right to alter or repeal so much of this act as authorises the corporation to issue notes of a less denomination than five dollars; *And provided,* That said company shall pay a bonus to the State equivalent to that paid by said Planters Bank in rateable proportion to its capital; *Provided,* That the individual property of the stockholders of said company shall be liable for their issues, as well as for all other debts contracted by said company; *And provided further,* That each and every stockholder shall be liable in his individual capacity for all the debts and dues thereof, to the full extent of the stock by them respectively subscribed for; and that this act shall take effect and be in force from its passage.

## CHAPTER 61.—ACTS OF 1847.

## AN ACT to amend an act, entitled "an act to incorporate the Memphis Insurance Company."

**SEC. 4.** *Be it enacted,* That said Company shall pay to the State, an additional bonus of two hundred and fifty dollars per annum, making a total bonus to the State, to be paid by said company, of five hundred dollars per annum.

## CHAPTER 147.—ACTS OF 1849.

AN ACT to add to the Common School fund of the State, the residue of funds now in the Treasury, arising from the sales of lands south and west of the Congressional Reservation line.

*Be it enacted by the General Assembly of the State of Tennessee,* That the balance of \$11,703 32, arising from sales of lands south and west of the Congressional Reservation line, and now remaining in the Treasury, be added to the Common School fund of the State of Tennessee, and invested in bonds of the State the interest and profits from which, shall be distributed among the Common Schools of the State, as other interest and dividends of other School funds are now distributed by existing laws.

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## CHAPTER 151.—ACTS OF 1849.

AN ACT to amend the act of 19th January, 1848, amendatory of the charter of the Memphis Insurance Company.

SEC. 2. *Be it enacted,* That said company may receive deposits and pay out the same to the order of the depositors, *provided,* the company shall not employ any part of said deposits in the transaction of its business; *provided,* said company shall pay a bonus of  $\frac{1}{4}$  of one per cent upon their whole capital stock for the use of Common Schools.

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## CHAPTER 113.—ACTS OF 1851.

AN ACT to authorise and regulate the business of Banking.

SEC. 2. [Paragraph 3.] That they annually allow, out of the accruing interest on such deposits, twenty-five cents out of each hundred dollars of their capital, to be retained by the Comptroller for the use of common schools, which sum shall be in lieu of all other taxation.

## CHAPTER 120.—ACTS OF 1851.

**AN ACT** to authorize the sale of escheated lands and vested in Common Schools in the State of Tennessee, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the common school commissioners in any district, where there are escheated lands, or any lands or town lots purchased in by the sheriff of any county for taxes, for the benefit of common schools belonging to the common school fund in this State, to apply by petition to the circuit court of the county in which the land lies, for the sale of said land, and it shall be the duty of the court to hear proof in the cause, and if satisfied that it would be best for said land to be sold, said court shall decree the sale thereof, by the clerk of said court, and it shall be the duty of said clerk, after giving twenty days notice in a newspaper published in the district, and at two or more public places in the neighborhood of said land, of the time of the sale, to sell the same on the premises to the highest bidder, one-fifth part for cash, and the balance on a credit of one, two, three, four and five years, in equal installments with interest from the date of the sale, taking the notes of the purchaser with two good securities, payable to the State of Tennessee, retaining a lien upon the land until the purchase money is paid, and make report to said court at next term.

**SEC. 2.** *Be it enacted,* That it shall be the duty of said court to order said notes to be retained in the office of said clerk for collection, and to collect the same by order of the court, as in other cases of sales of real estate by said court, and it shall be the duty of said clerk to pay over said money when collected, after retaining the costs of the proceedings, to the Treasurer of the State, to be appropriated to the use of common schools, as other school funds are now appropriated, and should said clerk collect said money, or any part of it, and fail to pay over the same as herein provided, he and his securities in his official bond shall be liable for the same, in the same manner and to the same extent as they may be liable for other monies he may fail to pay over or account for as heretofore provided for by law. .

## CHAPTER 165.—ACTS OF 1851.

AN ACT to amend an act, passed February 6th, 1850, and to increase Common School Fund.

WHEREAS, an act, passed February the 6th, 1850, directed, that the balance of the funds in the treasury amounting to eleven thousand seven hundred and three dollars and thirty-two cents, arising from sales of land south and west of the Congressional Reservation line should be invested in bonds of the State, and the interest arising therefrom be distributed among the common schools of the State. And whereas, no person was by said act authorized to draw this money and make the investment. Therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the comptroller issue his warrant in favor of the president of the Bank of Tennessee, for the above named sum, and the president is hereby directed to invest said funds in bonds of the State, and pay the interest semi-annually into the State Treasury, which shall be distributed as other school funds of the State.

## CHAPTER 204.—ACTS OF 1851.

AN ACT to establish the Citizens' Bank of Nashville and Memphis.

SEC. 11. *Be it enacted*, That in consideration of the privileges granted by this charter, the Bank agrees to pay to the State annually, the one half of one per cent. on the amount of capital stock paid in, which said bonus, is hereby appropriated to the use of common schools throughout the State.

## CHAPTER 250.—ACTS OF 1851.

AN ACT to relieve the Farmer's and Merchant's Bank of Memphis.

SEC. 3. *Be it enacted*, That the stock of said Bank may be reduced in said Bank, in payment of debts due thereto, and that the bonus in future of said Bank, shall be one half of one per cent. upon its capital employed in Banking. *Provided*, That upon a reduction of its capital stock as herein contemplated, the Bank make

ut a certificate thereof, showing the amount of said deduction under seal of the corporation, signed by the resident, and countersigned by the cashier of said bank, and file the same with the treasurer of the State.

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## CHAPTER 281.—ACTS OF 1851.

**AN ACT** to incorporate the East Tennessee Mutual Insurance Co., and the Mutual Protection and Fire Insurance Company of Paris.

**SEC. 16.** *Be it enacted*, That the companies hereby chartered shall for the privileges herein conferred pay one quarter of one per cent. on their capital, which shall be applied to school purposes.

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## CHAPTER 61.—ACTS OF 1853.

**AN ACT** to make equal the Banks herein named, in the payment of bonus to the State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That all laws requiring the Planters' Bank of Tennessee, or the Lawrenceburg Bank of Tennessee, to pay a bonus to the State on a specific amount of capital stock, be, and the same are hereby repealed; and said banks hereafter shall only be required to pay one half of one per centum per annum, upon their actual capital at the time of assessing the taxes thereon. *Provided*, the capital of the Planters' Bank of Tennessee shall not be reduced to a sum less than one million five hundred thousand dollars, nor that of the Lawrenceburg Bank of Tennessee at Lawrenceburg, to a sum less than fifty thousand dollars.

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## CHAPTER 71.—ACTS OF 1853.

**AN ACT** to establish a system of Common Schools in this State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That a tax of twenty-five cents on the polls, and two and-a-half cents on the hundred dollars, of all the taxable property of the State, shall be

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levied for common schools, and shall be collected by the same officers who now collect the State tax, and under the same regulations and restrictions to which they are now subject in collecting said taxes, and shall be paid over to the treasurer of the State as State taxes are now paid over.

**How distributed** SEC. 2. The money collected under the provisions of this act, and one hundred thousand dollars now distributed annually for school purposes, shall hereafter be distributed to the counties, according to the scholastic population of each.

**County Courts levy taxes.** SEC. 3. The different county courts of this State, two-thirds of the justices being present, shall have the power annually, to levy and cause to be collected, after the manner of levying and collecting county taxes, on all the property, polls and privileges liable to taxation in their respective counties, a sum of money not less than the amount said county would receive under the first section of this act, and to apportion the same among the several school districts of their several counties, in the same manner that the school fund is now distributed; and said fund, when collected, shall be paid over to the county trustee, to be applied for common school purposes, in the same manner that the common funds in his hands from the State are now applied: *Provided*, that if two-thirds of all the justices of the county are not in favor of levying such a tax, then it may be the duty of said county court to order an election to be held to ascertain the wishes of the majority of the voters in the county, as to the levying said tax; and it must appear that a majority of those voting are in favor of said tax, before the same shall be levied by the county. And it is hereby made the duty of the sheriffs of the different counties in this State to open and hold such elections, so ordered by the county court, in each civil district of their respective counties, at the usual place of holding such elections, on the first Saturday in March in each and every year, (should the county court not vote the tax as above provided,) and make return thereof to the April term of the county court then next ensuing; at which term, if it shall appear that a majority of all the votes polled are in favor of such tax, then the county court shall proceed to levy the same in the manner provided for in the first section of this act; and that one-fourth of the taxes raised on privileges under existing laws, be added to and constitute a part of the fund contemplated to be raised under the first section of this act.

**To order election.**



**SEC. 4.** In determining the election provided for in the third section of this act, the ballots to be deposited in the ballot-box, shall be in the following form: Those cast in favor of levying the tax, shall contain the following words, "for the school;" those cast against levying the tax, shall contain the following words, "against the school;" and the ballots shall be canvassed, and return made thereof as before directed, and said election shall be conducted in the same manner that elections for governor and members of the general assembly are conducted.

Ballot, how  
taken.

**SEC. 5.** It shall be the duty of the tax collector in each county, to collect such school tax, if levied, in the same manner he collects State and county taxes, and to pay over such money by him collected, to the trustee of the county, on or before the first day of November, in each year, and he shall be allowed for such collections two per centum. He shall give to the county court, bond with approved security, payable to the chairman of said court; conditioned that he will use due diligence in collecting, and faithfully pay over all school moneys collected by him—to-wit: the monies collected in pursuance of the tax levied by the county court, or by vote of the people, to the trustee of the county, as above provided; and the money collected in pursuance of the State tax, as other taxes are paid over; which bond shall be received, and judgment, by motion, for breach of the conditions thereof, may be taken against all the obligators as on other official bonds executed by him. *Provided, further,* that nothing in this act contained, shall be so construed as to compel the counties to tax themselves before receiving the State tax, but it shall be optional with the counties.

Duty of Tax  
Collector.

## CHAPTER 273.—ACTS OF 1853.

**AN ACT** incorporating the Protection Insurance Company of Nashville and the Mutual Insurance Company of Greenville.

**SEC. 22.** *Be it enacted,* That a bonus to the State of one half of one per cent upon the capital, be paid for the use of common schools in the State of Tennessee; and that this act shall take effect from and after its passage.

**SEC. 34.** *Be it enacted,* That the said Mutual Insurance Company of Greenville shall have all the powers and

privileges, and be subject to the same rules, regulations and restrictions, as are contained in an act passed 29<sup>th</sup> December, 1847, incorporating the "Mutual Protection Insurance Company of Nashville," except when publications are required to be made—then newspapers in the town of Greeneville instead of Nashville; and also the same powers, rights and privileges granted to the "Knoxville Marine Fire Insurance and Life and Trust Company," by an act passed 17<sup>th</sup> January, 1838, be, and the same, as far as applicable, are hereby conferred upon the said Mutual Insurance Company of Greeneville; and that said company pay a bonus of one-half of one per cent., to be appropriated to the use of common schools in this State.

[By the acts of 1853, chapters 197 and 198, charters of incorporation were granted to the "Bank of West Tennessee," the Bank of Chattanooga, and the "Ocoee Bank," each of which requires the payment of one-half of one per cent. on their respective capitals, as a bonus to *the State*.]

# L A W S

ESTABLISHING AND REGULATING

## A SYSTEM OF COMMON SCHOOLS.

### CHAPTER 38—ACTS OF 1839.

**AN ACT** to re-enact and amend "an act to establish a system of Common Schools in the State of Tennessee," passed January 24, 1838.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Superintendent of Public Instruction, amongst other things, to prepare and submit to the Legislature at each regular session a report containing,

I. A statement of the condition of common school monies.

II. Estimates and accounts of the expenditures of the School monies.

III. Plans for the improvement and management of the common school fund, and for the better organization of the common schools, and

IV. All such matters relating to his office and to the common schools, as he shall deem expedient to communicate, or such as shall be required by either branch of the General Assembly.

**SEC. 2.** The Superintendent shall every year, on the third Monday in July, apportion the school monies to be distributed amongst the several counties of the State, and the share of each county amongst its respective school districts.

**SEC. 3.** Such apportionment shall be made among the several counties of the State, according to the ratio of their white children between the ages of six and sixteen years, respectively, as compared with the white children of the whole State within the ages aforesaid

according to the last preceding annual reports of the school commissioners of the several counties, and shall be made amongst the several school districts in each county according to the same ratio.

Defective re-  
ports.

SEC. 4. When the returns upon which an apportionment is to be made shall be so far defective, in respect to any county or school districts, as to render it impracticable for the Superintendent to ascertain the share of school monies which ought then to be apportioned to such county or school district, he shall ascertain by the best evidence in his power the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly.

Notices.

SEC. 5. The Superintendent shall give immediate notice of each apportionment of monies to the county trustee and clerk of the county court of each county in the State, stating the amount of monies apportioned to his county and to each school district therein, and shall moreover give public notice in some newspaper printed at the seat of government of the exact amount apportioned to each county.

Forms for re-  
ports.

SEC. 6. The Superintendent shall prepare suitable forms and regulations for making all reports and conducting all necessary proceedings under this act, and shall cause the same, with such instruction as he shall deem necessary and proper for the better organization and government of common schools, to be transmitted to the officers required to execute the provisions of this act throughout the State.

SEC. 7. He shall cause so many copies of this act and of such others relating to the common schools, with the forms, regulations and instructions prepared by him thereto annexed, to be from time to time printed and distributed amongst the several school districts of the State as he shall deem the public good to require.

Annual appro-  
priation from  
Bank.

SEC. 8. The annual appropriation from the Bank of Tennessee, together with the tax on school lands, and such other taxes, fines, revenues or funds as have been or may be appropriated to the use of common schools, and which are subject to annual distributions, shall, as they may respectively arise or become due, be paid into the treasury of the State upon the warrant of the Comptroller.

SEC. 9. The said annual appropriation from the Bank of Tennessee, the tax on school lands, the bonus from banks and other corporations, and such other school monies as may be in the treasury of the State on the second Monday in July in every year, shall be ap-

portioned by the Superintendent and distributed for the encouragement of common schools, and shall be paid, on the warrant of the Comptroller, to the county trustees of the several counties in the State in the manner hereinafter directed.

SEC. 10. The Comptroller shall issue his warrant on the treasury, in favor of the trustee of each county, for the portion of school monies which may have been apportioned to such county for the year, and shall transmit such warrants to the trustees of the counties respectively, which warrants shall be transferable by assignment, and shall be paid only to the persons in whose favor they may be drawn or to their assignee, and shall be received on deposit as cash by the Bank of Tennessee and its branches.

Comptroller's  
warrant to  
trustees.

SEC. 11. Each trustee receiving such money shall give notice in writing to some one or more of the commissioners of common schools in each school district in his county, of the amount apportioned to such districts, and shall hold the same subject to the order of such commissioners.

Trustees' duty

SEC. 12. In case the commissioners of any school district shall not apply for and receive such monies before the next receipt of monies apportioned to the county, the monies so remaining with the trustee shall be retained by him, and be added to the monies next received by him for such district, and be paid over therewith.

SEC. 13. Counties which have never used that portion of the common school fund allotted to them under the provisions of former acts, but have loaned out the same and have paid the interest accruing thereon, or any part thereof, to the Superintendent of Public Instruction, under the act of 1836, recalling the common school fund from the several counties, shall be entitled, under any distribution hereafter to be made of the common school fund for purposes of education, to an additional sum, equal to the interest so paid up as aforesaid, over and above their distributive share, to be paid out of the funds withdrawn from the counties; and shall also be entitled to the profits of any investment of said interest, but where such county or counties may have been divided or any part thereof which may have been stricken off and attached to any other county. All new counties or parts of counties that have been taken from any old county, which may have loaned and reloaned their portion of the common school fund, and returned principal and interest under the act of 1835, without using said interest, it shall be the duty of the

Counties not  
using their  
school monies.

trustees of said old county to apportion the amount of such county according to the scholastic population between the old county and such part or parts taken therefrom; and those counties which have not paid up the interest as aforesaid, shall not be required to do so, but the same shall remain in said counties respectively, and there be added to the fund which shall hereafter be distributed to said counties for the purpose of common schools. And it is hereby made the duty of the Superintendent to keep a correct and distinct account of such interest as may have been paid over as aforesaid, and to return the same as herein directed, and he shall not demand or receive any such interest hereafter under the provisions of the act of 1836 aforesaid; *Provided*, that no such interest shall be returned to or retained by any county until the principal distributed to such county, together with the interest thereon from the passage of the act of 1836 aforesaid, shall be paid to the Superintendent. The interest herein required to be refunded to any county shall be paid to such county in the first apportionment to be made by the Superintendent under this act.

Davidson,  
Rutherford,  
and Bedford

Sec. 14. The fund which has arisen or which may hereafter arise from that portion of the stock in the Nashville, Murfreesboro' and Shelbyville Turnpike Company, in which is vested the internal improvement fund of the counties of Davidson, Rutherford and Bedford, shall not constitute any portion of the common school fund for distribution or appropriation under this act or any act of this General Assembly, but the same shall be distributed among said counties as heretofore directed by law.

Duty of clerk.

Sec. 15. Whenever any clerk of any county court shall receive from the Superintendent notice of the apportionment of monies to be distributed in the county, he shall file the same in his office and register it in a book to be kept for that purpose.

Union of districts.

Sec. 16. To provide for the present want of teachers and by offering higher wages induce competent persons to become teachers, it shall be lawful for two or more districts to unite their funds and employ a superior teacher, who shall divide his time between the districts in such manner as may be agreed upon by the commissioners thereof; and when the citizens of any district may be so inconvenient to the centre of the district as to preclude them from the benefit of the school, and when houses shall be prepared for that purpose, the commissioners of the district shall direct the teacher to

appropriate his time at two or more places in said district, as the convenience and interest of the citizens thereof may require.

SEC. 17. When the public funds apportioned to any district shall be insufficient to pay the teacher's wages, the commissioners of such district shall have the power to collect the residue of such wages from parents, guardians and others who may have derived benefit from the school by sending children thereto, and shall apportion the amount to be collected from each according to the number of children sent by each, and the length of time such children may have been at school; *Provided* ways, that if any person or persons shall be opposed to coming under the provisions of this section or the common school system, and feel their rights thereby invaded, he, she or they shall have the right and privilege of sending their children, or any individual living with them, of scholastic age, to any public school that may suit their convenience; any person wishing to send to school to a teacher employed by school commissioners, at a certain salary, shall pay to said commissioners the customary price of tuition for the time their child or children may attend school; or they may agree with the common school commissioners, who employ said teacher, at what rates must be paid for tuition. In all such cases it shall be the duty of the public teacher to keep an exact account of the time the child or children may attend the school, and the estimate of the same to be paid for such schooling shall be made accordingly.

Funds insufficient to pay teachers.

SEC. 18. It shall be the duty of every person sending a child to school to provide his just proportion of the fuel for the use of the school, and the proportion of fuel which any person sending children to the school shall be liable to provide, shall be determined by the commissioners of the school district according to the number of children sent by each; but such indigent persons as, in the judgment of the commissioners, shall be unable to provide the same, shall be exempt from such liability.

Fuel for school.

SEC. 19. If any person liable to provide such fuel shall omit to provide the same, on motion from any one of such commissioners, it shall be the duty of the commissioners to furnish such fuel and charge the person so in default the value or amount so paid for the fuel furnished, and such value or amount may be added to the rate-bill of the monies due for instruction, and may be collected therewith, and in the same manner, or the

commissioners may sue for and recover the same in their own names with the cost of suit.

Commissioners  
to lay off dis-  
tricts.

Sec. 20. The justices' or civil districts of each county may continue to be school districts; but it shall be lawful for the county court of any county in this State, two-thirds of the justices of the county being present, and a majority of the same concurring therein, to appoint three persons as commissioners, whose duty it shall be, after being duly sworn by some justice of the peace, honestly, faithfully, and without favor or partiality, and to the best of their ability and judgment, to proceed to lay off their county into school districts of convenient size, in each of which one good school may be taught, having strict regard at the same time to a suitable and central site for a school-house, and to other necessary things pertaining to a school, and to number and describe the same. And that any school district in any county in this State shall be authorized to receive its due apportionment of the distributive school fund at any time when they are organized according to law, and carrying on, or are ready to carry on, a school or schools in their district, without being required to show that there had been a school or schools carried on in such district at least three months in the preceding year.

June election.

Sec. 21. The commissioners thus appointed by the county court or courts of this State, shall appoint and designate a place, at the same time they lay off the districts as above directed, in each of said school districts, at which an election shall be held on the first Saturday in June, in 1840, and forever thereafter every two years, for the purpose of electing three common school commissioners; and the county court appointing said commissioners to lay off school districts and to designate places in them for holding elections, shall make them such compensation for their services as they deem just and right, to be paid out of the county treasury.

Duty of sher-  
iffs.

Sec. 22. It shall be the duty of the sheriffs of the several counties of this State in the first week of May, 1840, and forever thereafter every two years, to appoint a suitable person to each school district of the respective counties of this State, whose duty it shall be to give notice in writing, at two of the most public places in said district, ten days previous to the day on which the election is to be held for common school commissioners. The several persons appointed to give notice of and hold said elections shall, before opening said election, be sworn by some justice of the peace to faithfully



and impartially hold said election, and report the result thereof; the three persons receiving the highest number of votes shall be declared duly elected, and shall hold their offices for two years and until their successors in office are elected; before entering upon their duties as common school commissioners, they shall take an oath before an acting justice of the peace to honestly and faithfully discharge their duties as common school commissioners; all qualified voters for members of the General Assembly shall be entitled to vote for common school commissioners. It shall be the duty of all persons appointed by the sheriffs of the several counties, and holding the elections for said commissioners, to certify the result to the county court clerk, who shall enter the same on record.

SEC. 23. The commissioners of each school district shall have power to fill any vacancy occasioned by death, resignation, removal from the district, or otherwise, for the unexpired time of the commissioner who occasioned the vacancy; and it shall be the duty of said commissioners, and they shall have power to elect one of their own body as treasurer, whose duty it shall be to receive and pay over all monies owing to and due from the school district, who, before he commences the discharge of the duties of his office, shall first enter into bond, with good and approved security, in the sum of two hundred and fifty dollars, payable to the chairman of said board of commissioners and his successors in office, conditioned for the safe keeping and disbursement of all monies which may come into his hands as treasurer of said board; and shall be authorized to choose one of their own body to act as district clerk, and make him such allowance as will be a reasonable compensation for books and paper furnished by him; said commissioners shall be exempt from the performance of military duty in time of peace and working on public roads.

SEC. 24. All children between the ages of six and twenty-one years shall have the privilege of attending the public school of the district in which they reside for the time being; and the school commissioners in each school district may admit students who do not reside in their districts, the privilege of attending the public schools in their respective school districts, by requiring them to pay the price of their tuition by individual subscription.

SEC. 25. The common school commissioners who shall be elected in June next shall proceed to ascertain

Duty of commissioners.

the whole number of white children in their respective districts on the last day of June, 1840, over the age of six and under sixteen years old, shall forthwith make a report thereof to the clerk of the county court in their counties respectively, which enumeration and report, as before directed, shall be made annually after the first enumeration as by this act directed, which report shall be filed by said clerks and a certified copy thereof transmitted to the Superintendent on or before the first day of November next; and the clerks shall state in their returns to the Superintendent the number by which each district is known, and that said report contains all the districts in the county.

SEC. 26. It shall be the duty of said commissioners, and they shall have power :

I. To apply for and receive from the county trustee all monies apportioned or collected for the use of schools in their district.

II. To have the custody and keeping of the district school house or houses.

III. To contract with and employ all teachers in the district, and pay their wages out of the monies which shall come into their hands from the county trustee or from any other source.

IV. To visit the common school or schools in their district at least once in three months, and oftener if they shall deem it necessary.

V. At such visitation to examine into the state and condition of such school, both as respects the progress of the scholars in learning and the good order of the school.

VI. To give their advice and direction to the teacher of such school regarding the government thereof and the course of studies to be pursued therein.

VII. To dismiss any teacher for incompetency, improper conduct, or inattention to his duties.

VIII. To exempt from the payment of the wages of the teachers such indigent persons within the district as they shall think proper.

IX. To certify such exemptions, and deliver the certificates thereof to the clerk of the district, to be kept on file in his office.

X. To ascertain, by the examination of the school lists kept by the teachers, the number of days for which each person not so exempted shall be liable to pay for instruction, and the amount payable by each person.

XI. To make out a rate bill containing the names of such person so liable and the amount for which he is

liable, and annex thereto authority for the collection thereof.

XII. To choose a district clerk.

SEC. 27. It shall be the duty of the clerk of each school district, Duty of district clerk.

I. To record the proceedings of his district in a book to be provided for that purpose, and to enter therein the copies of all reports made by the commissioners of his district to the clerk of the county court.

II. To keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office.

III. To receive all such communications as may be directed to him by the Superintendent of Public Instruction, and dispose of the same in the manner directed therein.

IV. To transmit to the clerk of the county court all such reports as may be made by the commissioners to such clerk.

V. To call the commissioners together, upon receiving notice from the clerk of the county court that they have not made their annual report, for the purpose of making such report, and generally,

VI. To do and execute all such things as belong to his office and may be required of him by the commissioners.

SEC. 28. It shall be the duty of the commissioners of each school district, between the first day of July and the first day of October in each year, to make and transmit to the clerk of the county court a report in writing, bearing date the first of July in the year of its transmission, and stating, Duty of commissioners.

I. The length of time a school or schools shall have been kept in their district during the year ending on the day previous to the date of such report.

II. The number of children taught in the district during such year.

III. The number of white children residing in the district on the last day of June previous to the making of such report, over the age of six years and under sixteen years of age, the names of the parents or other persons with whom such children shall respectively reside, and the number of children residing with each.

IV. The amount of public monies received in such district.

V. The manner in which the public monies received have been expended, and whether any and what part remain unexpended, and for what cause.

VI. What money is received for supporting the school in the district, what by voluntary contribution, and what by rate-bill.

VII. What part of the money raised for the support of the school is paid for furniture, wood and incidental expense, and what part for instruction only.

VIII. The whole amount of monies received by the commissioners during the year ending at the date of their report, since the date of their last preceding report, distinguishing the amounts received from the public fund, and from any other and what source.

County court  
clerk.

Sec. 29. In case the commissioners in any school district shall not, on or before the first day of October in any year, make such report to the clerk of the county court, it shall be his duty to give immediate notice of such neglect to the clerk of the school commissioners in such district.

Forfeitures.

Sec. 30. The commissioners neglecting to make such report within the limited period, shall forfeit severally to their district, for the use of common schools therein, the sum of ten dollars each.

Losses.

Sec. 31. When the share of school money apportioned to a district shall be lost to the district by the neglect of the commissioners, the commissioners guilty of such neglect shall forfeit to their district the full amount, with interest, of the monies so lost; and for the payment of the sum so forfeited, shall be jointly and severally liable.

County trustee

Sec. 32. It shall be the duty of the county trustee, upon notice of such loss from the Superintendent of Public Instruction, to prosecute without delay, in his name of office for the use of the district, for such forfeiture; and the monies so received shall be recovered as other school funds for the use of the district.

Commission-  
ers' accounts.

Sec. 33. The commissioners of each district shall keep a just and true account of all school monies received and expended by them, and shall annually report the same to the clerk of the county court.

Sec. 34. Any balance of school funds which may remain in the hands of the school commissioners of any district on going out of office, shall be by them immediately paid over to their successors in office, or some one of them.

Sec. 35. The commissioners of common schools in each district shall have the powers and privileges of a corporation, so far as to enable them to take and hold any property transferred to them for the use of common

**schools in such district, and to sue for and receive any such funds due the same.**

**SEC. 36.** Every commissioner of school districts who shall sign a false report, with intent to cause the Superintendent to apportion his district a larger sum than its proportion of school money, shall for such offence forfeit the sum of twenty-five dollars and be deemed guilty of a misdemeanor.

False reports.

**SEC. 37.** Repealed.—See acts of 1843, chapter 165, section 4.

**SEC. 38.** Every clerk who shall refuse or neglect to make such report within the period so limited, shall, for every such offence, forfeit the sum of one hundred dollars to the use of the school fund of the State.

Clerks.

**SEC. 39.** The Superintendent shall, without delay, prosecute in his name of office for such forfeiture, and pay the monies recovered into the treasury of the State to the credit of the common school fund.

**SEC. 40.** It shall be the duty of the clerk of the county court, immediately after the first day of October in every year, in case the commissioners of common schools in any school district in his county shall have neglected to make to him their annual report, to give notice of such neglect to the clerk of the school district, who shall assemble such commissioners for the purpose of making their report; and the county courts of the several counties in this State are hereby authorized to make to their clerks such compensation as they may think reasonable for services which may be performed by them under the provisions of this act, to be paid out of the county treasury.

Neglect to make annual report.

**SEC. 41.** It shall be the duty of the county trustee of each county, in each and every year, before receiving any money due to his county for the use of common schools, to enter into bond before the county court of his county, with two or more good and sufficient securities, to be adjudged of by the court, in double the amount which is expected to come into the hands of said trustee in one year, payable to the Superintendent and his successors in office, conditioned for the faithful paying over according to law all monies which may come into his hands on account of common schools; and on such bond being executed, the clerk shall give said trustee a certificate of that fact, which shall authorize him to receive any money due to such county for the use of common schools, and on failure of said trustees to pay over said money according to law, the commissioners of any district being entitled thereto, may

Trustees' bonds.

recover judgment for the same against said trustee and his securities by motion in the circuit court of his county, on a certified copy of their bond from the clerk of the county court; and said trustee shall retain one per cent. on the amount received and paid over by him, as a compensation for his services.

SEC. 42. The Superintendent shall settle with the banks, insurance companies, tax collectors and clerks, and all other corporations, companies, officers and persons, all accounts of monies due from them or any of them, which have been appropriated to the use of common schools, and which are by law subject to the annual distribution, and shall charge the same and keep a full account thereof in books to be kept by him in his office for that purpose, and shall issue his warrants for the payment thereof into the treasury in the same manner as for the payment of the revenue of the State.

Superintendent's duty.

Repeal.

SEC. 43. The act passed January 24th, 1838, entitled "an act to establish a system of common schools in the State of Tennessee," be, and the same is hereby repealed.

Passed January 28, 1840.

## CHAPTER 30.—ACTS OF 1839.

AN ACT to regulate the receipt and disbursement of the Common School monies.

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws and parts of laws now in force, authorizing or directing the Superintendent of Public Instruction to receive the monies belonging to the common school fund of this State, be, and the same are hereby repealed.

Duplicate receipts.

SEC. 2. *Be it enacted*, That the Bank of Tennessee and such of its branches, as the president and directors of the principal Bank may direct, shall receive and give duplicate receipts for all monies which may hereafter be collected from the debtors of said fund, one of which receipts shall be given to the person paying the same, and the other transmitted forthwith to the Superintendent of Public Instruction; and if such monies, or any part thereof, shall be paid into any of the branch Banks, as aforesaid, the cashier thereof shall transmit a receipt therefor to said Superintendent through the principal Bank.

**SEC. 3.** *Be it enacted,* That it shall be the duty of the Superintendent of Public Instruction forthwith to have collected all the debts that are now due to the school fund of this State, and the debts that are not yet due to have collected as soon as the same shall become due; and it is hereby made his duty to obtain from all county agents, appointed under the 23d chapter of the act of 1836, a complete list of all the claims placed in their hands, as well those paid as unpaid, and a full statement of each particular case, and if he shall find that any such agent has used or retained any of the monies by him collected, or has failed to discharge the duties enforced upon him by the act aforesaid, then it shall be the duty of said Superintendent to bring suit against such agent for such failure.

Duty of the Superintendent

**SEC. 4.** *Be it enacted,* That it shall be the duty of the Bank of Tennessee forthwith to demand and receive of and from said Superintendent, all monies which he may or ought to have in his possession belonging to the common school fund; and if necessary, to sue for and recover the same.

Duty of the Bank.

**SEC. 5.** *Be it enacted,* That for all monies which the Bank of Tennessee or branches may receive as aforesaid, they shall issue to the Superintendent certificate of stock as heretofore.

Certificate of Bank stock.

**SEC. 6.** *Be it enacted,* That as soon as practicable, the Superintendent of Public Instruction shall make out and deliver to the Bank of Tennessee a complete list of all claims against the debtors to the common school fund, and at the end of every three months from the passage of this act, he shall report to said Bank any change that may in the meantime occur in the nature of any of said claims.

Debtors from the fund.

**SEC. 7.** *Be it enacted,* That all claims against the common school fund shall be presented to the Superintendent of Public Instruction, who shall examine and adjust the same according to law, and shall draw his warrant upon the Bank of Tennessee for such sums as may be found due, which shall be paid out of the interest arising from the common school fund.

Claims.

**SEC. 8.** *Be it enacted,* That the Superintendent of Public Instruction shall keep a regular statement of all warrants by him so issued, and also of the receipts of the Bank of Tennessee and branches, and he shall in each of his reports to the Legislature make out a fair statement of the monthly receipts and disbursements of the common school fund, and of the sum received and

Records.

balances due from each county, and also the balances due from all other sources, and from what sources.

**Expenses.** SEC. 9. *Be it enacted*, That no allowance shall be made the said Superintendent for any other expenses than postage incurred by the correspondence of his office, reasonable fees to counsel, reasonable stationery and account books, and such printing as the board of common school commissioners may think proper to direct.

**Land taxes.** SEC. 10. *Be it enacted*, That the taxes heretofore paid into the common school fund from certain lands in the State shall hereafter be paid into the State Treasury, and in lieu thereof their shall (be) paid out of the Treasury of the State annually for the use of common schools the sum of two thousand dollars.

**Legal advice.** SEC. 11. *Be it enacted*, That the Attorney General shall give to the Superintendent of Public Instruction such legal advice as he, in the discharge of his official duties, may at any time require.

SEC. 12. *Be it enacted*, That no issue be made by the principal bank at Nashville upon the funds received under the provisions of this act, until otherwise provided for by an act of the General Assembly.

**Superintendent's bond.** SEC. 13. *Be it enacted*, That the Superintendent shall enter into bond, with two or more good and sufficient securities, to be approved by the Governor of the State of Tennessee, in the penal sum of one hundred thousand dollars, and payable to the Governor of the State of Tennessee for the time being, and his successors in office, conditioned for the true and faithful discharge of the duties of his office.

SEC. 14. *Be it enacted*, That this act shall take effect and be in force from and after the passage thereof.

Passed, January 27, 1839.

## CHAPTER 47—ACTS OF 1841.

AN ACT to amend an act entitled an act to re-enact and amend an act to establish a system of Common Schools in the State of Tennessee," passed January 28th, 1840, and for other purposes.

**Commissioners—how elected.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any sheriff or sheriffs of any county or counties in this State, have failed or neglected to appoint suitable persons to hold elections for common school commissioners in each of the several school districts in the respective counties in



this State, in pursuance of the provisions of the twenty-second section of the act which this act is intended to amend, in consequence of which failure or neglect of such sheriff or sheriffs, no election for common school commissioners was held in any school district or districts in any county or counties in this State, at the time prescribed by the act which this act is intended to amend, or where, from any other cause, common school commissioners were not elected in any school district or districts in any county or counties in this State, and any election or elections for common school commissioners may have been held in any school district or districts, in any county or counties in this State, and commissioners of common schools, elected at any other time or times than that prescribed by the above recited act, such elections, so held, shall be as good and valid as if said elections had been held at the time prescribed by law, and the commissioners of common schools, so elected, shall be, and they are hereby vested with the same power and authority, and shall perform all the duties of common school commissioners regularly elected at the time prescribed by law, and the said commissioners of common schools, so elected, shall have the same power and authority to demand and receive from the county Trustee of their respective counties, all such common school monies which have been paid into the hands of such Trustee, for the use of the school district or districts of which the persons so elected shall be commissioners respectively, and they shall have and possess all power and authority and right to sue for, and recover all monies due the several school districts, in which the persons so elected are common school commissioners respectively, in as full and complete a manner as if such commissioners had been regularly elected at the time prescribed by law, and if any county Trustee who has received any money to which any school district or districts is entitled, and failed to pay over the same to the commissioners of any such district or districts in consequence of a failure to select common school commissioners at the time prescribed by law; and such Trustee has loaned said money at interest, or has used it in trade or otherwise, said Trustee shall be compelled to pay interest on such sum of money, and on failure of such Trustee to pay over the money to the common school commissioners entitled to receive the same, it shall and may be lawful for said commissioners, in their own names as commissioners, to sue for and recover said principal sum of money and interest thereon,

for the use of the school district or districts, of which they are commissioners.

**SEC. 2.** *Be it enacted,* That if the sheriff of any county in this State shall fail or refuse or neglect to appoint suitable persons to hold elections for common school commissioners, as prescribed by the act which this act is intended to amend, or the person so appointed shall fail to hold the elections at the time prescribed by the above recited act, or if from any other cause, an election for common school commissioners shall not be held, at the time now prescribed by law, it shall and may be lawful, and it is hereby made the duty of the sheriff of the county, where such failure may have occurred, within thirty days after the time now prescribed by law for holding such elections, to appoint suitable persons to hold elections for school commissioners, in any district or districts, where no election has been held at the time now prescribed, and the person so appointed in consequence of the failure to hold such election in any district or districts, in any county in this State, shall upon giving the notice of the time and place of holding such election now required by law, proceed to open and hold an election for common school commissioners for such district or districts, in any county where such failure may have happened under the same rules and regulations now prescribed by law, and the said commissioners elected in pursuance of the provisions of this act, shall have the same power and authority, and perform and discharge the same duties of commissioners regularly elected, at the time now required by law, and such election of school commissioners, shall be as valid and effectual as if the same had been held at the time now required by law; and in all cases where any school district in any county in this State may have omitted to elect common school commissioners, and such district or districts, shall hereafter elect common school commissioners under the provisions of this act, or the act which this act is intended to amend, such commissioners so elected, shall have full power and authority, and it is hereby made their duty, to apply for and receive all such money as may be due to their respective school districts, in the hands of any person or persons whatsoever, and to use all ways and means necessary for the recovery of the same.

**SEC. 3.** *Be it enacted,* That no School Commissioner shall hereafter be a teacher in any common school where he shall be a commissioner, and no school commissioner shall have power to take any contract or

Commissioner  
not to teach.

contracts for building any school house or any other contract that said commissioners are empowered by law to make, as school commissioners.

SEC. 4. *Be it enacted*, That the thirty-fifth section of an act entitled "An act to re-enact and amend an act to establish a system of Common Schools in the State of Tennessee," chapter thirty-eight, passed 28th January, 1840, be so amended, that in all cases where any common school commissioners for any school district, shall go out of office, having in their hands any of the school funds of their districts, and shall fail or refuse to pay over the same to their successors in the office of common school commissioners, it shall and may be lawful for the commissioners last elected to sue for and recover from the former commissioners, all such school funds remaining in the hands of the commissioners failing and refusing to pay over said funds; and such suit shall be brought in the name of the school commissioners of the district in their name and style of common school commissioners, for the use of their school district.

Former Commissioner—  
when sued.

SEC. 5. *Be it enacted*, That when any county in this State has heretofore, or may hereafter be laid off into School districts by Commissioners, appointed by the County Court, under the provisions of the twentieth section of the act, which this act is intended to amend, it shall be the duty of such Commissioners to make out a plan of the districts so laid off, and showing the lines thereof, and file the same with the Clerk of the County Court, whose duty it shall be to keep and preserve the same in his office.

SEC. 6. Repealed,—See Acts of 1843, chapter 165, sec. 8.

SEC. 7. *Be it enacted*, That it shall be the duty of the County Trustee to make a settlement with the Clerk of the County Court, on the second Monday in April, in each and every year, showing the receipts and disbursements by him on account of Common Schools, which settlement shall be exhibited to the County Court at the next term, and entered of record in the Clerk's office of the County Court.

Duty of County Trustee.

SEC. 8. *Be it enacted*, That if a Common School Commissioner or Commissioners, or the Treasurer of the Common School Commissioners, shall apply the school funds received by him or them, to any other use or purpose than the support of schools in their respective districts, such commissioner or commissioners, or Treasurer, shall be guilty of a misdemeanor, and upon

School monies—how applied

conviction therefor, upon indictment or presentment shall be punished as persons guilty of misdemeanor.

**Age of Scholars** SEC. 9. *Be it enacted*, That persons between the age of six and twenty-one years, residing in any school district, shall be enumerated and entitled to all the benefits that children between the ages of six and sixteen years are entitled to.

**When a district may be divided**

SEC. 10. *Be it enacted*, That where the population of any school district is scattered, and lies remote from the place where the district school is established, and such portion of the population by themselves or in connection with citizens of any other district or districts desire to have a separate school house, and furnish a list of twenty scholars or more to the Commissioners, the person who shall so apply, having the said twenty scholars within the age prescribed by law, shall be entitled to their ratable share of said fund, to be expended for the benefit of said separate school, under the direction of the said Commissioners.

## CHAPTER 54.—ACTS OF 1843.

AN ACT more effectually to secure the Common School Fund.

*Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall not be lawful for any county trustee in this State to pay over any common school funds in his hands, except to the written order of the Board of Common School Commissioners drawn in favor of a teacher, or some other person or persons for services actually rendered in establishing or carrying on the system of education established by law in this State; but the same shall be held by the Trustees subject to the payment of such order whenever services shall have actually been rendered.

## CHAPTER 77.—ACTS OF 1843.

AN ACT to abolish the office of Superintendent of Public Instruction, and to transfer his duties to the Treasurer of the State

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the office of Superintendent of Public Instruction is hereby abolished.

**SEC. 2.** *Be it enacted,* That all the duties of Superintendent of Public Instruction be transferred to the Treasurer of the State, who shall perform the same, and in every respect, be governed by the same laws, and subject to the same liabilities that said officer was governed by and liable to: *Provided* that nothing herein contained shall be so construed, as to increase the salary of the Treasurer as now fixed by law, and *Provided further,* that the Treasurer of the State shall not be required to enter into bond with security as now required of the Superintendent of Public Instruction; the bond of the Treasurer shall be deemed sufficient to cover any liability imposed by this act.

## CHAPTER 159.—ACTS OF 1843.

**AN ACT** to refund the interest upon the Common School fund, improperly paid over under the act of 1837-8.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the comptroller to ascertain the amount of the principal of the common school fund charged to each county, and what counties have paid back the principal, or have paid in principal, and interest equal to the principal, and the balance of said interest, if any, after making up the principal together with all the uncollected debts belonging to fund in such county, shall be paid over to the Trustee of said county, to be applied to the use of common schools of said county. Trustees.

**SEC. 2.** That if any county has not paid over to the Superintendent of Public Instruction, as much principal and interest as will amount to the sum received by the agent and charged to said county, the comptroller shall ascertain the deficiency, and retain the same out of the sum annually distributed to said county until such principal is paid, and then the comptroller shall hand over the uncollected debts of said fund, belonging to such county, to the Trustee of said county.

**SEC. 3.** *Be it enacted,* That the distribution of the interest and uncollected debts, shall be so made as to give the new counties their due proportion to be ascertained in manner prescribed in the 13th section of the act of 1840, chap. 38, and other laws upon this subject. Distribution.

**SEC. 4.** That the Trustee of the respective counties, are hereby authorised to collect said debts, and by compromise.

the consent of the county court, may compromise said debts or make any disposition of said debts that the court may direct.

## CHAPTER 165.—ACTS OF 1843.

AN ACT to amend the law in relation to Common Schools

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That when any child or children may live inconvenient to the common school house of the district in which they reside, it shall and may be lawful for the parent or guardians thereof by giving notice to the commissioners of the district in which such child or children may live, to have them listed or enumerated in the adjoining district most convenient, by the parent or guardians making satisfactory proof by oath or otherwise, that said child or children have not been listed or enumerated for that year in any other county or district, and that they will not be listed or enumerated a second time for that scholastic year in any other county or district, with the knowledge or consent of such parent or guardian, and upon complying with the requirements of this act, it shall and may be lawful for said child or children to go to any school in the district in which they have been listed, and be under the same rules, regulations and restrictions, and have the same benefit of the common school money as children living in said district.

Parent may transfer scholar

**SEC. 2.** In addition to the powers of common school commissioners, it shall be their duty, and they shall have power upon complaint of a teacher, to dismiss from the school any scholar for refractory or disorderly conduct.

**SEC. 3.** In case the commissioners of any school district shall not, on or before the first day of October in any year, make report to the clerk of the county court as now required by law, it shall be the duty of said clerk to give immediate notice of such neglect to the clerk of the school district, and if it shall be inconvenient for the clerk of the county court to serve such notice in person, he may give the same to any constable of his county, who shall serve the same forthwith, and make return to the clerk of the county court, and the constable for such services shall be entitled to the same fees as for serving a warrant, to be paid by the party on

Duty of County Court Clerk

from such notice is served, and the commissioners neglecting to make such report before the twentieth day of October in each and every year, shall forfeit several- to their district for the use of schools therein, the sum of ten dollars each.

SEC. 4. It shall be the duty of the clerk of the county court, between the first day of October and the first day of December in every year, to make and transmit to the Treasurer of the State, a report in writing, containing the number of the scholastic population of each district, and the aggregate number of the scholastic population of the whole county, according to the reports of the school commissioners of the several districts, and all laws requiring said clerks to make out and transmit a certified copy of the report of the common school commissioners, be and the same are hereby repealed.

SEC. 5. It shall and may be lawful for the school commissioners to alter and change the lines of any school district or districts, or make or lay off new school districts, when upon application it may appear to them right and proper to make such change or alteration, and the commissioners shall make out a plan of the school district or districts so altered or created, which shall be registered by the clerk of the county court in his book kept for school purposes. May change school district

SEC. 6. *Be it enacted*, That Scott Terry, late superintendent of Public Instruction, be continued in office until the first day of March next, and he shall discharge all the duties and be subject to the same rules, regulations and restrictions now in force for the government of the Superintendent of Public Instruction, until the Treasurer elect shall be qualified to discharge said duties.

SEC. 7. *Be it enacted*, That an act passed at the present session of the General Assembly transferring the duties of the Superintendent of Public Instruction to the Treasurer of the State, shall not take effect until the first day of March, one thousand eight hundred and forty-four.

SEC. 8. *Be it enacted*, That the sixth section of an act to amend and re-enact the common school law, passed January 12th, 1842, chapter sixty-seven, be, and the same is hereby repealed.

## CHAPTER 231—ACTS OF 1843.

AN ACT to amend the Common School Laws.

*Be it enacted by the General Assembly of the State of Tennessee,* That where any commissioner or commissioners may have heretofore received any money for common school purposes, and the same has not been disbursed according to law, they are hereby directed and required to pay over such moneys to the county Trustee, who shall place it to the credit of the school district to which it was apportioned, and the same shall be paid out on the check of the commissioners of said district; *Provided further,* that when any District may have been divided since an apportionment has been made, and the money not paid by the commissioners, the money thus returned to the Trustee, shall be apportioned between the Districts thus divided, according to the number of school children in each fraction of the divided district, or to the fraction to which the money may belong.

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## CHAPTER 54.—ACTS OF 1845.

AN ACT to amend the Common School Laws.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the county trustees of this State, to make settlement with the common school commissioners heretofore elected in each civil district within their respective counties, ascertain what amount of money has been paid to each civil district prior to the year 1844, what *delinquencies* now exist, and report the same to the county court of the county in which they reside. And it shall be the further duty of said trustees to proceed against all delinquents, and apply any money thus collected as heretofore required by law.

**SEC. 2.** *Be it further enacted,* That it shall be the duty of the county court, to which such report shall be made, to make to such trustee a reasonable compensation for his services.



## CHAPTER 100.—ACTS OF 1845.

**AN ACT** to explain and amend the second section of an act passed January, 1844, chapter 159.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the true construction of the 2nd section of an act passed the 26th day of January, 1844, chapter 159, shall be that if the county common school commissioners for any county have not paid over to the superintendent of public instruction, a sum equal to that received by them under the law of 1830 and 1831, the comptroller shall ascertain the deficiency and retain the same out of the semi-annually distributed to said county until such sum is paid, and then the comptroller shall hand over the uncollected debts due to the common school fund of said county.

**SEC. 2.** *Be it enacted,* That the act of 1844, chap. 159, shall not be so construed as to authorize the Comptroller of the Treasury to charge to any county in this State the amount of loss to the common school fund, by the agent of the old State Bank, and when any such loss has been retained, it shall be the duty of the Comptroller to refund the same to the county or counties which are entitled to the same: *Provided,* that nothing in this act contained shall be so construed as to prevent the Comptroller from paying over to the counties the excess of interest to which they are severally entitled by an act of Assembly, passed January 26th, 1844, chapter 159.

**SEC. 3.** *Be it enacted,* That it shall be the duty of the Comptroller of the Treasury, as soon as may be after the passage of this act, to make out a full and complete statement and account of the school fund of each of the counties from which have been detained the annual distributions, or any part thereof, under the act of 1844, chapter 159, together with the names of persons in default, whether agent of the old Bank common school commissioners, or agents of superintendent of public instruction, together with the amount of loss occasioned by each, as appears from the books containing an account of the common school fund, as well as the amount of uncollected debts belonging to said fund in such counties; and transmit the same to the trustees of such counties respectively.

## CHAPTER 112.—ACTS OF 1845.

AN ACT amendatory of the Common School Law.

*Be it enacted by the General Assembly of the State of Tennessee*, That if in any case heretofore, or in any case hereafter, a mistake has or may occur in reporting the scholastic population in any county, and said report shall be corrected, it shall be the duty of the Comptroller of the Treasury to take such mistake into his estimate for the next distribution, so as to make all the counties equal according to their true scholastic population.

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## CHAPTER 207.—ACTS OF 1845,

AN ACT to prevent the taking of illegal possession of common school houses, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That if any person or persons shall hereafter illegally take possession of common school houses, or if any person or persons unlawfully do any injury to any common school house or houses, such person or persons shall be guilty of a misdemeanor, and upon conviction thereof by indictment or presentment, such person or persons shall be punished as persons guilty of misdemeanors at common law.

**SEC. 2.** *Be it enacted*, That the provisions of this act shall extend to embrace school houses on vacant or occupant lands as well as deeded lands.

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## CHAPTER 217.—ACTS OF 1845.

AN ACT to collect and preserve the evidences of debt to the Common School Fund of the State, and to settle the same.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Comptroller of the Treasury to examine, file and preserve all the books, papers and evidences of debt to the common school fund or to the State, which were taken, kept or held by the late Bank of the State, or any of the officers or agents thereof, and to collect and settle all such outstanding claims as he may find in said books

and papers, by suit or otherwise, as he may think the public interest requires; and the said Comptroller shall demand and receive from the Secretary of State, or any other person, so many of said books and papers as may be in his or their possession, and report to the next General Assembly the result of his labor herein.

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## CHAPTER 110—ACTS OF 1847.

**AN ACT** to give different counties in this State certain school monies, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That wherever any monies may have heretofore been appropriated to common schools, in any county in this State, and may have been paid to any board of county common school commissioners, or to the clerk or treasurer of said board of commissioners, and where the same may have come into the hands of any person whatever, and where the same has not been accounted for, and paid over to those entitled to receive it, it shall and may be lawful for the county trustee, and it is hereby made his duty, in any such county, to demand, sue for, and collect any, and all such monies, from any such commissioners, their clerk, or treasurer, or either, or any other person, their executors or administrators, or from the executor or administrator, and securities of such commissioner, or from the executors, administrators, and securities of such clerk, or treasurer, or both, and at the proper cost and expense of the county.

**SEC. 2.** *Be it enacted,* That the trustees of the different counties in this State, who may collect any monies under this act, or the act or acts of 1844, chap. 159, and of 1846, entitled "an act to explain and amend the 2nd section of an act, passed January 1844, chap. 159," shall distribute the same among the common school districts in said county according to their scholastic population.

**SEC. 3.** *Be it enacted,* That before any trustee shall receive any of said money, he shall execute his bond, with good and sufficient security, in open court, payable to the chairman of the county court, and his successors in office, in double the amount of money which it may be supposed will come into his hands, under this act, to be approved of by the county court of the county for which he is trustee, conditioned for the faithful applica-

tion of said money, according to the provisions of this act.

SEC. 4. *Be it enacted*, That said trustee shall, at the first county court after he shall have collected any money under this act, return an inventory thereof, under oath, to said court.

SEC. 5. *Be it enacted*, That he shall be allowed six months after he shall have collected said money, and no longer, to distribute the same as required by this act, and shall make settlement of the funds thus collected, annually, with the clerk of the county court. *Provided*, Said trustee shall be allowed five per cent. on the amount collected, as full compensation for his trouble, and the clerk of the county court fifty cents for taking bond from said trustee, and one dollar for making settlement as required by this act.

SEC. 6. *Be it enacted*, That for any default of the trustee under this act, he shall be proceeded against as for other defaults under existing laws, so far as the same may be applicable.

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## CHAPTER 175—ACTS OF 1847.

AN ACT to amend the act of 1836. passed 19th February, entitled "an act to appoint a board of common school commissioners, and to secure the common school fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the President and Directors of the Bank of Tennessee, are hereby constituted a board of commissioners of common schools and of the school fund, and the President of the Bank shall be President of said board, and shall assemble its members at his pleasure, and cause a record of all its proceedings, by the secretary of said board, to be kept.

SEC. 2. Said board of commissioners shall have the superintendence of the school fund, and in their capacity of President and Directors of the Bank of Tennessee, shall guard it against diminution, and see that the interest of so much of the school fund, as constitutes a part of the capital of said bank, and all other school dividends, shall be inviolably paid over, as now directed by law, to the support and encouragement of common schools throughout the State, and for the benefit of all the people thereof, and to no other use. But the Bank of Tennessee shall continue to pay over, as here-

tofore, the sum of one hundred thousand dollars to common schools, and eighteen thousand dollars to academies, the interest arising on the school fund in said bank inclusive.

SEC. 3. Said board shall make out and publish a report of the condition, investment and constituent parts of said fund, to be transmitted by the Governor to each session of the General Assembly.

## CHAPTER 183—ACTS OF 1849.

AN ACT to amend the act for the protection of Public Buildings, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be, and is hereby declared to be a misdemeanor, to be punished as other offences of that description are, for any person to deface, or in any manner damage any meeting house, church, camp-ground, or any of the appurtenances to either, or to injure any spring, well, or any water used by any worshipping people at any such place.

SEC. 2. *Be it enacted*, That it shall be, and is hereby declared to be a misdemeanor, to be punished as aforesaid, for any person to deface, damage, or injure any school house, or its appurtenances thereto, or in any manner to injure any property belonging to any school district, or any person owing and holding the same for the purposes of schools.

## CHAPTER 68.—ACTS OF 1851.

AN ACT to provide for the payment of school teachers, under the Common School System, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any person has been employed by the common school commissioners to teach a school, and has taught the said school, and where by the formation of any new county the district in which he may have so taught is divided by the line of the new county, then and in that case the amount due such teachers shall be paid by the trustees of the old and new counties according to the number of

children or scholars who are taught by said teacher in the district on each side of the county line.

SEC. 2. *Be it further enacted*, That in ascertaining the amount due from the Trustees of the old and new counties, that the trustees shall be governed by the written statement of the school commissioners in the said district, which statement the person applying for the money shall present to the said trustees, the same shall be a voucher for said trustees on settlement.

## CHAPTER 129.—ACTS OF 1851.

AN ACT to amend the Common School Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in cases where any suit may have been heretofore, or may hereafter be brought and prosecuted to judgment in any court in this State, or before any justice of the peace, against any common school commissioner, in any district in this State, and where judgment has been given against the said commissioners for damages and costs, that the same shall be paid out of any money that is due, or may be due to the said school district in which said commissioners acted as such at the time of the commencement of such suit. *Provided*, That the court or justice of the peace shall be of opinion that the suit was defended by the commissioners in good faith, which shall be shown by the certificate of the judge or justice before whom the case was pending.

SEC. 2. *Be it further enacted*, That where any commissioner shall commence a suit in behalf of his school district, (by and with the advice of the Attorney General, whose duty it shall be to give advice,) and shall, on the final determination of said suit, be defeated, the costs of the same shall be paid out of any money belonging to said school district.

## CHAPTER 133—ACTS OF 1851.

AN ACT to define the duties of School Commissioners in certain cases.

*Be it enacted by the General Assembly of the State of Tennessee*, That common school commissioners or trustees of common schools, be and they are hereby au-

thorized to employ Female teachers in any school, for such time as they may think proper, who shall be paid in the same manner as other teachers, under the laws now in force in this State.

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## CHAPTER 150—ACTS OF 1851.

**AN ACT** to amend the 16th section of the act of 1840, chap. 38, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the 16th section of the act of 1840, chap. 38, be so amended, that it shall be lawful for the common school commissioners, of two or more common school districts, to unite and employ a superior teacher to teach at such school house as they may select, without requiring such teacher to divide his time between their districts; and it shall be lawful for the commissioners of each district to pay such teacher so much of the common school fund as each child sent to said school would be entitled to if sent to the respective district schools.

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## CHAPTER 83—ACTS OF 1853.

**AN ACT** to condense and bring into one view, all the laws now in force with regard to Education and Common Schools.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Secretary of State to make a compilation of all the laws in relation to education and common schools, and publish the same in pamphlet form for distribution in every school district in this State.

**SEC. 2.** *Be it enacted,* That all laws enacted this session shall be included in such school laws as are provided to be condensed and published by this act.

**SEC. 3.** *Be it enacted,* That the acts so condensed, shall be appended to the acts passed this session of the General Assembly.

## RESOLUTION NO. 8.—ACTS OF 1853.

Resolution directory to the Comptroller of the Treasury.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury ascertain the amount of the school fund wrongfully withheld from counties under the act of 1844, chap. 159, section 1; that he issue his warrant to the trustees of such counties for the amount thus withheld; and in ascertaining said amount, the Comptroller shall not charge such counties with any losses by the superintendent of public instruction, or his agents, but shall charge such counties with the losses of the county common school commissioners, or county courts.



# L A W S

RELATING TO THE SALE OF

## COMMON SCHOOL LANDS.

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### CHAPTER 104.—ACTS OF 1843.

**AN ACT** to authorize the sale of the Common School Lands in the State of Tennessee, at the wish of the people of the different townships where they may be situated

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That on the second Monday of March, in the year of our Lord one thousand eight hundred and forty-four, an election may be held in each township and fractional township in this State, owning school lands, by the Commissioners of School Lands residing in such township, and if none reside therein, then by any Justice of the county, he or they giving twenty days' notice in writing of the time and place of holding said elections at three or more public places in said township, or fractional township, at which election every citizen qualified to vote for members of the General Assembly, shall have a right to vote in his respective township, and votes so given shall be for or against the sale of the school lands in said township; and should the time specified in this act for the elections aforesaid, pass without said elections being made, the persons herein required to hold such elections, may give like notice and proceed to hold such elections, upon such day as shall be designated by advertisement. Said elections shall be holden at some suitable place, as near the centre of said township as practicable.

**SEC. 2.** *Be it further enacted,* That it shall be the duty of the Commissioners of School Lands, or Justice of the Peace, (as the case may be,) before proceeding to

R. turns.

hold said election provided for in the first section of this act, to appoint a clerk, who shall be sworn faithfully, honestly and uprightly, to perform the duties assigned him, and shall prepare a form of return for the result of such election, with two columns, one of which shall be headed, "For the Sale of the School Lands," and the voters in favor of the sale of the school lands shall enter their names therein. The other shall be headed, "Against the Sale of the School Lands," and the voters against said sale shall enter their names therein, and the Commissioners aforesaid, or Justice of the Peace, shall certify said return in the following manner and form, to wit:—"The undersigned Commissioners of the School Lands for township, district No. —, or Justice of the Peace for the county of —, (as the case may be,) do hereby certify that an election was held at —, in said township on the — day of —, for the purpose of ascertaining the wish of the people of said township, in relation to the sale of the school lands, situated therein. That the foregoing is the vote of the people of said township: That all the persons voting are citizens of said township, qualified to vote for members of the General Assembly, and that the persons voting for the sale of the school lands constitute a majority of all the qualified voters of said township. Which certificate shall be signed by the Commissioners, or Justices of the Peace, holding said elections, and shall be countersigned by the Clerk; and the Clerk shall make out a true copy of the result, which shall be certified in the same manner as the original, and shall be delivered to the Clerk of the County Court of said county, and the original shall be forthwith deposited with the Clerk of the Circuit Court of the county wherein said lands, or the major part thereof, may be situated, to be disposed of as hereinafter directed.

Sec. 8. *Be it further enacted*, That in every case where it shall appear, a majority of the citizens of any district, township or fractional township, at the election herein provided for, shall have cast their votes for the sale of the school lands in such district, township or fractional township, it shall be the duty of the Judge holding the Circuit Court for the county wherein said school lands, or a major part thereof, shall be situated, at the first term of said court after said elections are held, or in case of failure at the first term, then at any subsequent term, to have the return of the election, and the certificate of the Commissioners or Justices of the Peace holding said elections entered of record, and

on such return and certificate, to decree and order  
e sale thereof, and it shall be the duty of the Clerk of  
aid court, after giving forty days' notice in the news-  
aper published nearest to said lands, and also at three  
more public places in each county, to proceed to sell  
aid lands on the premises, as is hereinafter provided,  
the highest bidder, one eighth part of the purchase  
money to be paid upon the issuance of the certificate of  
urchase, and the balance on a credit of ten years, bear-  
g interest at the rate of six per cent. per annum from  
he day of sale, payable annually on the first Monday  
n April in each and every year. Said Clerk shall issue  
o the purchaser or purchasers, as the case may be, a  
ertificate of purchase specifying the number of acres  
ought and the price. He shall also take from the pur-  
chaser or purchasers a note or obligation for the bal-  
ance of the purchase money with two or more good and  
ufficient securities, payable to the President and Direc-  
tors of the Bank of Tennessee, and their successors in  
office, for the use of common schools in said district,  
township or fractional township, binding such purchaser  
or purchasers, and his or their securities, to pay annu-  
ally on the first Monday in April, in each and every  
year, one-tenth part the purchase money, and also the  
interest which may have accrued upon the same, speci-  
fying in the certificate of purchase, and also in the note  
or obligation taken, that the balance of the purchase  
money is to remain a lien upon the land for the pay-  
ments thereof and the interest that may accrue. Said  
notes or obligations and money received by the Clerk of  
the Circuit Court, shall be delivered and paid over by  
said Clerk without delay to the President and Directors  
of the Bank of Tennessee or any branch thereof near-  
est to where said lands may be situated; and it shall  
be the duty of said bank or branch to collect said notes  
or obligations as they may become due and owing, and  
it shall be the further duty of said bank or branches to  
invest the principal so received or collected in the bonds  
of this State, *provided* such bonds can be purchased at  
their nominal value or less, and *provided further*, that  
said bank or branch, as the case may be, shall be li-  
able for the amount of the principal paid in, with six  
per cent. per annum interest thereon, until the invest-  
ments herein directed shall be made and no longer, and  
the interest on the bonds shall be made and no longer, and  
for collection, and the interest shall be made and no longer,  
nies paid in and not invested, that may be due on mo-  
shall be annually set ap-  
and paid over to the dis-

Duty of Cir-  
cuit Clerk.

tracts, townships or fractional townships to which the same may belong, according to the amount of deposits belonging to each respectively.

**Compensation.** SEC. 4. *Be it further enacted,* That the bank or branch in which the deposits directed in this act shall be made may retain a sum not exceeding one half of one per cent. upon the amount of interest for annual distribution, as a compensation for the services of the bank, required by the provisions of this act.

**Renewals.** SEC. 5. *Be it further enacted,* That it is hereby made the duty of the purchaser or purchasers as aforesaid, to renew said note or notes in said bank or branch, on the first Monday in April in each and every year until the same is paid, which notes shall be signed by the purchaser or purchasers, and his or their securities, under seals on the face of said note or notes, and when so signed all such persons shall be bound equally and jointly for the payment of the same, and it shall not be lawful or necessary when said note or notes fall due that the same shall be protested for non-payment, but the makers and securities thereto, shall be bound and liable until the same shall be paid or renewed.

**Duty of purchasers.** SEC. 6. *Be it further enacted,* That it shall be the duty of all persons purchasing School lands under the provision of this act to deposit with such note or notes as are herein provided for, a Power of Attorney, signed and sealed by the same names that are signed to the note or notes first given, or that may hereafter be given upon renewal thereof in said Bank or Branch, witnessed by some disinterested person, conferring full power and authority upon the President or any one of the Directors of said Bank or Branch, or his or their successors in authority, conditioned, that whenever any purchaser or purchasers, shall fail or refuse or neglect to pay the interest upon the notes or obligations given for the purchase money of the lands sold under the provisions of this act, or the instalments due on the same, or to renew said notes or obligations as is herein required, such President or Directors shall appear in any Court of record in the county in which said lands may be situated, or in the county where the parties live, and confess a judgment for the amount or amounts due thereon, together with damages and costs; and it is hereby made the duty of said Court to render judgments for the same, and that execution may issue whenever demanded by the Attorney confessing the same; and if the same can not be collected by execution out of the other property, real and personal, of the purchaser or pur-

chasers, his or their securities, it shall then be the duty of the Sheriff or other collecting officer to levy upon the land upon which the sum or sums to be collected may be due, and to sell the same as other lands are required to be sold by law, and if upon said sale no one shall offer and bid as much as may be then due and owing by said purchaser or purchasers, his or their securities, and the costs that may have accrued thereon, it shall then be the duty of the collecting officer to knock said land off to the School land Commissioners and their successors in office for the district, township or fractional township where the said lands may be situated, for the use of Common Schools; and any lands so knocked off shall thereafter remain subject to sale again as provided in this act, as if the same had never been sold, and the costs shall be paid out of the School monies belonging to the district, township or fractional township, owning said lands; but if upon any such sale any person or persons will bid and pay the amounts due upon said lands and also bid the further sum for which said lands are or may be liable or more, such person or persons shall become the purchaser or purchasers thereof, and be in every respect substituted in the room and stead of the original purchaser or purchasers, at the sum bid by the last named purchaser or purchasers, subject to all the conditions, liabilities, limitations and restrictions of the original purchaser or purchasers, and subject to be proceeded against thereafter as were the original purchaser or purchasers.

Sec. 7. *Be it further enacted*, That when the whole of the purchase money and interest for any lands sold under the provisions of this act shall be paid, a grant from the State shall issue to the person or persons owning said lands. Grants from the State.

Sec. 8. *Be it further enacted*, That it shall be the duty of the Common School Commissioners in each district, township or fractional township, previous to the day of sale thereof, together with the County Surveyor, to proceed to lay off said lands in such manner and in such number of lots as in their judgments will enhance the sale of said lands, *provided*, that no lot be laid off containing less than forty acres. Duty of Commissioners.

Sec. 9. *Be it further enacted*, That it shall be the duty of the Circuit Court Clerk as aforesaid, to make out a duplicate statement in writing, specifying each section or part of section by him sold, in what township and range situated, the amount each section or part of section sold for; and designating the notes or Duty of Circuit Clerk.

obligations and the amount of money belonging to each district, township, or fractional township, one of which statements shall accompany the notes or obligations and money to be paid over and delivered to the Bank or Branch aforesaid, and the other shall be returned to the first term of the Circuit Court for the county wherein such sales shall have taken place, and the same shall be spread upon the record of said Court.

Accounts.

SEC. 10. *Be it further enacted*, That it shall be the duty of the President and Directors of said Bank or Branch, where such deposits are made as provided for in this act, to open and keep an account with each School district, township or fractional township, where School lands are situated, and may be sold under the provisions of this act, separate and distinct from each other; and it shall be the duty of the Cashier of the Bank or Branch, annually to pay over to the County Trustee of each county in which any School lands may be sold under the provisions of this act, the interest due and collected upon the purchase money, and State Bonds purchased, designating in writing the district, township or fractional township upon which said interest has been collected and the said Trustee shall pay over the same to the person or persons authorized by law to receive it, and said Bank or Branch shall be liable to the several School districts, townships or fractional townships respectively, for the monies collected or deposited with them and the Bonds purchased for the use of each.

Duty of County Trustee.

SEC. 11. *Be it further enacted*, That it shall be the duty of the county Trustee aforesaid, upon the reception of the statement from the Cashier of the Bank or Branch, as provided for in the tenth section of this act, to enrol the same in his School Book, and file the original with the Clerk of the County Court, whose duty it shall be to spread the same upon the record of said court.

County Court.

SEC. 12. *Be it further enacted*, That it shall be the duty of the County Court of each county, where school lands are situated, in taking bond from the County Trustee, to include therein, monies to be by him received on account of the interest herein provided for, and said Trustee shall be liable in default as in other cases of School monies.

Receipt.

SEC. 13. *Be it further enacted*, That a certified copy of said Trustee's receipt for said monies, signed by the President and countersigned by the Cashier of said Bank or Branch, shall be *prima facie* evidence of

the receipt of said money upon any motion or suit against said Trustee and his securities, for failing to pay over the same according to law.

SEC. 14. *Be it further enacted*, That it shall be the duty of the County Court in each county in which school lands are situated, and may be sold under the provisions of this act, to make such allowances to the Circuit Court Clerk, the County Surveyor and Common School or School land Commissioners for their services herein required of them, as they may deem just and proper; which said allowances shall be paid out of the School monies belonging to the district, township or fractional township, owning said lands. Allowances.

SEC. 15. *Be it further enacted*, That the different county courts in this State, wherein there shall be school lands situated at the first quarterly court after any tract of school lands shall have been ordered for sale, agreeably to the provisions of this act, to appoint three good and lawful men, living in the district where the land lies proposed to be sold, whose duty it shall be to value the school lands in their district or township, and when such value is ascertained, it shall be their duty to notify the Clerk of the Circuit Court in their county, of such valuation, and it shall be the duty of the Clerk to publish the same in the notice for the sale of such lands, and upon the Clerk proceeding to offer such land for sale and on failure to obtain a bid equal to such valuation, there shall be no sale, and such land shall remain to the township as heretofore. Valuation.

SEC. 16. *Be it further enacted*, That when any of the Circuit Courts of this State shall decree that the School lands, or any part thereof, shall be sold as provided for in the fourth section of this act, it shall be the duty of the Clerk of the Circuit Court, and he is hereby required to enter into Bond with two or more good and sufficient securities, to be approved by the Court, in the sum of ten thousand dollars, conditioned for the faithful performance of the duties required of him under this act, and the payment of the money coming into his hands with the notes or obligations received for the sales of the School lands to the Bank of Tennessee or the Branch of said Bank, for the districts in which the lands sold are situated, and upon failure to pay over such monies, notes or obligations as required by this act, the School land Commissioners may obtain judgment by motion upon such Bond against said Clerk and his securities for the amount not paid over with the costs and Circuit Clerk.

interest thereon for the use of the School land fund of the district to which such money or notes may belong.

**Elections.** SEC. 17. *Be it further enacted*, That an election as provided for in this act may be held once in each year on the second Monday of March, in any district, township or fractional township, until the school lands situated therein shall be sold.

SEC. 18. *Be it further enacted*, That hereafter the election for School Land Commissioners shall be held on the second Saturday in January, instead of the first Monday, as heretofore.

## CHAPTER 60—ACTS OF 1845.

AN Act to recover possession of School Lands which may be adversely holden in any of the counties in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the several Attorneys General, in the several districts or counties in this State, where there may be any school land in his district or county, adversely holden by any person or persons, to commence suit in ejectment in the name of the State against such person or persons, for such school land; and upon a recovery of the same, shall be entitled to a tax fee of twenty-five dollars against the defendant, to be taxed in the bill of cost.

SEC. 2. *Be it enacted*, That in case there is no recovery, there shall be no judgment for cost; and in all cases it shall be lawful for the county court of the county wherein such land may lie, to employ other counsel, and to pay him a reasonable fee out of the proceeds of said land; *Provided*, that this act shall not be so construed as to require any attorney general to sue for any lands bid off by the sheriff of any county in this State to common schools, unless, after examination, such attorney general shall be of opinion that he can recover such school lands.



## CHAPTER 121—ACTS OF 1845.

**An Act to amend an act entitled "an act to authorize the sale of the common school lands in the State of Tennessee, at the wish of the people of the different townships where they may be situated," passed at Nashville, the 15th day of January, 1844.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter when any tract <sup>Sale of lots.</sup> of school land shall be ordered to be sold, according to the provisions of said act, and the same shall have been divided into lots according to the 8th section of said act, and the clerk of the circuit court shall offer said tract or tracts of school land for sale, in lots according to the provisions of said act, and some of said lots shall bring an amount equal to the valuation, and others not, the sale shall be good as to those lots bringing an amount equal to the valuation; but as to those lots for which the clerk shall fail to obtain a bid equal to such valuation, there shall be no sale, and such lots shall remain to the townships as heretofore.

**SEC. 2.** *Be it enacted,* That when any tract of school land has heretofore been sold in lots under the provi- <sup>Sales valid.</sup> sions of said act, and some of said lots brought an amount equal to the valuation fixed upon them by the commissioners, and others fail to bring an amount equal to such valuation, and the sale was confirmed by the court ordering the sale thereof, as to the lots bringing the valuation, such sale shall be, and it is hereby ratified, confirmed and made good to the same, in all respects, as if the entire tract had been sold, and had brought an amount equal to the valuation fixed upon it under and by virtue of the 15th section of said act.

**SEC. 3.** *Be it enacted,* That if the commissioners of school land, or justice of the peace, as the case may <sup>Election may be held at any time.</sup> be, shall fail to hold an election for the sale of school land on the second Monday in March, in any year, as required by the 17th section of said act, then, and in that case, it shall and may be lawful for such commissioners, or justice of the peace, as the case may be, to hold such election at any time, the same being holden in all other respects, according to the provisions of said act.

**SEC. 4.** *Be it enacted,* That when any election has

**Ratification of sales.** heretofore been holden, for the sale of a tract of school land, at a time different from that pointed out by the 17th section of said act, and the sale thereof has been confirmed by the court, ordering the sale thereof. the same is hereby ratified, confirmed and made as good and valid, in all respects, as if the election had been holden at the time pointed out in the said 17th section of said act.

**Court may appoint commissioners.** *Sec. 5. Be it enacted by the authority aforesaid,* That in any case where a majority of the citizens of any district, township or fractional township, shall have or shall cast their votes for the sale of the school land in such district, township or fractional township, and the same shall have been, or shall be ordered to be sold according to the provisions of the act which this is intended to amend, and the clerk of the circuit court shall have failed, or shall fail to sell the same or any lot or parcel thereof, if the same shall have been divided into lots according to the 8th section of said act, for the want of a bid equal to the value fixed upon the value of said tract of school land or lot thereof, according to the 5th section of said act, in all such cases it shall and may be lawful for the county court to appoint a new set of commissioners to value such tract of school land, or lot thereof, according to, and in the manner pointed out in the 15th section of said act, and to perform all and singular the duties therein required to be performed by them.

**Land must bring value.** *Sec. 6. Be it further enacted by the authority aforesaid,* That so soon as said tracts of school land, or lots thereof, shall have been valued according to the 5th section of this act, it shall be the duty of the clerk of the circuit court, forthwith to proceed to sell said tract of school land, or lot thereof, according to the provisions of this act, and the act which it is intended to amend; and upon the clerk proceeding to offer such tract or lot of school land for sale, and on failure to obtain a bid equal to such valuation, there shall be no sale, and said land shall remain to the township as heretofore.

**Bids to remain open.** *Sec. 7. Be it further enacted by the authority aforesaid,* That if the clerk of the circuit court, upon offering any tract, lot or parcel of school land for sale, as pointed out by the 3rd section of the act which this is intended to amend, and shall fail to sell the same for the want of a bid equal to the valuation fixed upon the same, according to the 5th section of this act, and the act which this is intended to amend, in all such cases the bidding for such tract, lot or parcel of school land

shall be and remain open for the space of ninety days from and after the day the same was advertised and offered for sale, and it shall and may be lawful for the clerk to sell said tract, lot or parcel of school land for the highest bid he may receive for the same within the said ninety days: *Provided*, the bid be equal to the valuation fixed upon said tract, lot or parcel of school land, the sale being in all other respects conducted as pointed out by this act, and the act which this is intended to amend.

SEC. 8. *Be it enacted*, That when any purchaser of any school lands shall think proper to pay over the purchase money on the day of sale, or any future day within the ten years, he, she or they shall be entitled to a grant for the same as prescribed by the 7th section of the act of 1814. Payment for lands.

SEC. 9. *Be it enacted*, That when an election shall have been held, or may hereafter be held under the provisions of this act, or the act which this is intended to amend, and a majority of the voters in said township fail to vote, either for or against the sale of the school land in said township, or where the person appointed to hold the election fails or refuses to do so, it shall and may be lawful for the county court of the county where said election has been holden, to appoint some suitable person to ascertain the sense of the voters of said township in reference to a sale of said lands, by presenting to each voter, for his signature, a paper prepared and headed as directed by the second section of the act which this is intended to amend, and obtain their signatures; and the said commissioners shall return the paper containing the signatures to the clerk of the circuit court, and shall certify the same in the following manner: "The undersigned commissioners of the school land, for township —, district No. —, for the county of —, do hereby certify that he has proceeded to obtain the signatures of the voters for and against the sale of the school land in said township. and that the persons in favor of the sale of said lands constitute a majority of all the qualified voters residing in said township;" which certificate shall be upon oath, and signed by the commissioner. Said certificate, together with the list of voters, shall be forthwith deposited with the clerk of the circuit court of said county, and the said court shall proceed to decree the sale of said lands, in the same manner as if an election had been held; *Provided*, a majority of the voters of said township are in favor of selling; and *provided also*, said court shall be May take sense of district by subscription.

satisfied, from an examination of said commissioners on oath, that the signatures of said voters have been fairly taken, and their sentiments truly expressed and impartially obtained.

SEC. 10. *Be it enacted*, That a certificate of purchase from the clerk selling the land, shall be sufficient evidence of title to enable the purchaser to maintain an action of ejectment, or other suitable action, to recover the possession of the land purchased, where the same is adversely held.

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## CHAPTER 120—ACTS OF 1851.

An act to authorize the sale of escheated lands and vested in common schools, in the State of Tennessee, and for other purposes.

SEC. 4. *Be it further enacted*, That the seventh section of an act passed January 23d, 1846, herein referred to, be so amended, that when the clerk of the circuit court, upon offering any tract, lot or parcel of school land for sale, as pointed out by the third section of the act passed January 15th, 1844, and shall fail to sell the same for the want of a bid equal to the valuation fixed upon the same, according to the fifth section of the act of 1846, in all such cases, the bid shall remain open for the space of ninety days, as is provided in the section which this is intended to amend; and should the clerk fail to obtain a bid equal to the valuation fixed upon said tract or lot, or parcel of land, the sale being conducted in all other respects as is provided by this act, and the acts of 1844 and 1846, herein referred to, then the county court shall appoint new commissioners to re-value said land, as is provided by this act and the acts herein referred to, and the clerk shall proceed to sell said land as herein before directed, and should the clerk fail to obtain a bid equal to the valuation of said commissioners as is herein directed, then the county court shall appoint commissioners from time to time, under the provisions of this act, and the acts which this is intended to amend, to re-value said land or lands until the clerk shall obtain a bid under the provisions of this act, and the acts which this is intended to amend, equal to the valuation made by the commissioners last appointed by said court.

## CHAPTER 165—ACTS 1851.

**act to amend an act passed February 6, 1850, and to increase the Common School Fund.**

**SECTION 2.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall not be lawful for any county trustee, in this State, to pay over any school land moneys in his hands, except to the written order of the board of school commissioners, under the same restrictions as common school commissioners are under by an act, passed 30th December, 1843. And all monies which have been paid over by the county trustee, to any school land commissioners, unexpended by such school land commissioners, upon notice being given by the county trustee, shall be returned to the county treasury, to be drawn under the restrictions mentioned in this act.

## CHAPTER 296—ACTS OF 1851.

**An act to provide for the fractional townships in Rutherford, Williamson and Marshall counties, and for other purposes.**

**SEC. 2.** *Be it further enacted,* That all persons who are in possession of school lands, by descent, will or purchase, in good faith, shall be exempt from the provisions of the 3d section of the act of 1826, chapter 35, nor shall they be subject to rents of any kind, prior to the commencement of suits against them for the recovery of said lands.

## CHAPTER 46—ACTS OF 1853.

**An act for the relief of purchasers of the school land, and for other purposes.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That when lands supposed to be school lands, have been sold under the provisions of the statutes of this State, from which the purchasers are, or shall be evicted, if the purchaser has not paid for the land from which he has been evicted, then his note or notes shall be rendered up to him; and if he has paid all or any part of the purchase money for

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" to be exempt from militia and road service,	38	23	22
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" their duties and powers specifically pointed out,	36	26	24
" to make annual report between the 1st of July and 1st of October, to the clerk of county court upon various matters specifically set forth in the law,	38	28	25
" to forfeit to their district \$10 for failing to report,	38	30	26
" to forfeit \$25 and be guilty of a misdemeanor for making a false report of scholastic population,	38	36	27
" to forfeit to the district the full amount of monies lost by their neglect,	38	31	26
" to keep a just and true account of their receipts and disbursements and annually report the same to the clerk of the county court,	38	33	26
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<b>" shall determine the amount to be paid for fuel by each scholar,</b>	38	18	21
<b>" upon default of parent in furnishing fuel, shall furnish it, and charge parent,</b>	38	19	21
<b>" may sue for and recover from trustee any monies in his hands,</b>	38	41	27
<b>" may be elected at any other time than that prescribed in former laws,</b>	47	1	30
<b>" not to be a teacher in his district, nor to take any contract involving the receipt of any of the monies of his district,</b>	47	3	32
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<b>" may establish a second school in certain cases,</b>	47	10	34
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